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EDITED BY A. W. ROBINSON, D.D.

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ARTHUR W. ROBINSON, D.D.

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CHAPTER I

THE CONTINUITY OF THE CHURCH OF ENGLAND

The question of the continuity of the Church of England is a matter of crucial importance, lying at the root of all true Church defence, and needing assertion and proof both as against Rome and Nonconformity, since the attack on our position comes from either side. Romanists maintain that the English Church is a new body which came into existence at the Reformation period, though it is difficult to get them to fix the exact date, some holding that Henry VIII. was its author, while some acknowledge that the old Church remained till the reign of Elizabeth. On the other hand, there is the somewhat natural jealousy of the Nonconformist that we should claim to have existed without break from early days. The oldest of the Nonconformist bodies has an existence of some three and a half centuries only, and we are asked to acknowledge that we are but one denomination among many, a society even

then some half-century older than they. It is imperative, therefore, that we carefully lay our foundation; that we prove our position as a part of the Holy Catholic Church founded by our Blessed Lord; that we show the Church of England to be a Divine society, not a man-made institution; that we demonstrate "that there never has been a time—no, not a day—when it ceased to be founded on the Rock, which is Christ; when it ceased to profess the faith which is the Catholic faith; when it ceased to be guided and supported by the Sacraments which are the Catholic Sacraments; when it ceased to have the succession of bishops, priests, and deacons—the Catholic Orders of the ministry."[1]

The continuity which we claim for the Church of England is of more than one kind. It is outward and inward, and may be studied under five headings. There is the continuity of name, of life as a national Church, of doctrine, of organisation, and of possession. The proof is cumulative. Continuity of name is not enough. A club transferred from one political party to another might retain its name, but there would be no real continuity so far as teaching and atmosphere are concerned. We pass on, therefore, to the con-

[1] Bp. Browne, *The Continuity of the Holy Catholic Church in England*, p. 8.

tinuity of life as a national Church. It is true that Rome gained great power over the Church of England in the Middle Ages, and therefore we must be able to show that the repudiation of the Papal jurisdiction in its mediæval development was not the renunciation of something vital and primitive, but that "the Church of England, while retaining its own continuity in all essentials, admitted the papal jurisdiction on grounds of utility, and then passed through a long period in which it discovered that that jurisdiction was dangerous to Church and nation alike."[1] The continuity of doctrine and organisation is likewise all-important, for if any part of the "Faith once delivered to the saints," or the threefold order of the ministry which has existed from Apostolic times, has ever been tampered with, the claim to a continuous existence falls to the ground. In the last place there is the continuity of possession, for we have to show that there has not been any taking away of the property of one Church that it might be bestowed upon another. We are both the old Church and the new Church.

Now we are concerned with the English Church, not with the ancient British Church, and so our inquiry will not go behind the mission of St. Augustine. As regards the Church

[1] Bp. Creighton, *The Church and the Nation*, p. 186.

in Wales, it is enough to say that it possesses a continuity more impressive even than that of the Church of England. Far from being an alien, as some of its opponents foolishly declare, it is the historic representative of the ancient British Church which was in this land before the mission of St. Augustine, and was driven into Wales through the Anglo-Saxon invasions of the fifth century.

I

From the time of the Reformation the Church in this land has borne the name "the Church of England." This was no new title then conferred on it, but the name it had carried from the beginning of its existence. Gregory the Great, in his well-known letter to Augustine (the authenticity of which is now universally accepted), is the first person to call by name the little infant which had just been born, and the name given it is "the Church of the English." He speaks of three Churches: "the Church of Rome in which you remember your rearing"—"the Church of Gaul"—"the Church of the English." There is no mention of the Roman Church in England, nor of that part of the Roman Church now planted in England. The Venerable Bede uses the same expression. For example, though

Theodore was sent from Rome as Archbishop of Canterbury, he is described by the first of English historians as "the first Archbishop whom the whole English Church consented to obey."[1]

We move on over some centuries, and then, in the middle of the period when so many people imagine that the Church in this land was the Roman Catholic Church, we find the same name given to us. Magna Charta of the year 1215 declares that "the Church of England shall be free and have her rights entire and her liberties inviolate"; whilst in the next century the Statute of Provisors of 1351 uses the expression "whereas the Holy Church of England was founded in the estate of prelacy." In this case there can be no possible mistake about the meaning of the language, for in the Norman French original the name of the Church is "Sainte Église d'Engleterre."

The wording of the Statute "Articuli Cleri" of 1316 is similar: "whereas of late in the times of our progenitors, sometimes Kings of England, in divers their Parliaments, and likewise after that we had undertaken the governance of our realm, in our Parliaments, many articles containing divers grievances (committed, as therein was said, against the Church of England, the prelates

[1] IV. 2.

and clergy) were propounded by the prelates and clerks of our realm"; while from 1372 down to 1872 the royal summons to Parliament announced that it was to be held "upon arduous and pressing matters . . . affecting the state and defence of our realm of England and the Church of England." In the fifteenth century the language is the same. When Archbishop Chichele issued his Constitutions in 1416 he could speak of "the sacred name of the English Church whom all the world extols beyond the Churches of other countries and provinces for her devout veneration of God and His Saints."

In the sixteenth century it is the same. The Church which went into the Reformation bore the name of "the English Church." The famous Statute restraining Appeals to Rome of 1533 speaks of "that part of the said body politic called the spiritualty, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual shall appertain." This

Act repudiated the Papal jurisdiction over the Church in this land. Was this justifiable, or did this repudiation involve a break in the life of the Church? That question must now be discussed.

II

The English Church starts with the mission of St. Augustine. St. Gregory "touched the spring that launched the English Church." It is not a fairly written history that attempts to belittle the debt which we owe to Rome.[1] But the Church founded by Gregory and Augustine was a national Church. Jurisdiction was given to it; no doubt it was to look with reverence

[1] Cranmer, in his appeal to a General Council, paid an eloquent tribute to the work of Rome in early days. "The Church of Rome, as it were, lady of the world, both was and was also counted worthily the mother of other churches; forasmuch as she then first begat to Christ, nourished them with the food of pure doctrine, did help them with her riches, succoured the oppressed, and was a sanctuary for the miserable; she rejoiced with them that rejoiced and wept with them that wept. Then by the examples of the Bishops of Rome riches were despised, worldly glory and pomp was trodden under foot, pleasures and riot nothing regarded. Then this frail and uncertain life, being full of all miseries, was laughed to scorn, whiles through the example of Romish martyrs men did everywhere press forward to the life to come." (See Pollard's *Cranmer*, pp. 357–358.)

and respect to Rome, but, at any rate at first, it was not called upon slavishly to imitate Rome. Gregory made this quite plain in his letter to Augustine. It might possess its own liturgy and ceremonial, for Augustine should "collect into a bundle" whatever he "found to be most pious, religious, righteous, and most likely to be pleasing to God" from the Church of Rome, the Church of Gaul, or any other Church. New sees were to be founded as occasion arose, but nothing was said regarding reference to Rome either for the election or the consecration of their bishops. In reply to the question whether bishops might be consecrated by a single bishop, the Pope replied that as Augustine was the only bishop in England he must for the present consecrate by himself. How different was the reply of a later Gregory! When Cyriac of Carthage asked the same question of Gregory VII. in 1076, the reply was that the elected bishop should be sent to Rome for consecration by the Pope. Augustine's dealings with the bishops of the British Church show the same fact. The only requests made were that the Britons should accept the Roman rule as to Easter, minister Baptism like the Romans, and join him in preaching to the pagan Angles and Saxons. Nor must it be forgotten that Gregory

himself repudiated the title of "universal bishop," saying that any one who assumed it was "in his pride a forerunner of anti-Christ."

We pass on to the work of Theodore, who was sent to us by Rome. He stands out in our history as the third great founder and consolidator of the Church in this land. His life's work in England was that of organisation, but the thing he organised was certainly not a mere dependency of the see of Rome. The huge diocese of Northumbria was subdivided without any reference to Rome, and when Wilfrid appealed to Rome and brought home a papal decision in his favour, ordering his restoration to his see, the document was disregarded and burned, and Wilfrid imprisoned. It was the same in the next century. Boniface, a Wessex man, had become Archbishop of Mainz. His scheme of organisation for the German Church included a plan for the settlement of difficult questions. In the event of the archbishop and his synod being unable to settle them, they were to be referred to Rome. Boniface advised Cuthbert of Canterbury to adopt this plan for the English Church, on the ground that "thus, unless I am mistaken, all Bishops ought to refer to the Metropolitan, and he to the Roman Pontiff, if there is any matter among his people which he finds it impossible to correct."

Accordingly in 747 the Council of Cloveshoo[1] decided that "if there are difficult things, too difficult for the Bishop in his diocese, let him bring them to the Archbishop in the provincial synod, and let the Archbishop settle them." Not one word is said as to the possibility of the provincial synod being unable to settle even the most difficult questions; nor is there any mention of appeal to Rome.[2]

The tenth century shows instances of a similar kind of independence. Dunstan in 970 excommunicated one of Edgar's earls for marrying within the prohibited degrees. An appeal was made to Rome and decided in the earl's favour, but the Archbishop refused to recognise the right of Rome to interfere, and finally won the

[1] This Council also ordered that festivals and Saints' Days were to be observed according to the Roman use, and special orders were given for the observance of the days of St. Gregory "our father" and St. Augustine. But what is this compared with the canon regarding appeals to Rome?

[2] Regarding appeals to Rome in early days, Bury (Life of St. Patrick, p. 61) says that "the motive of the custom is evident. It was to preserve uniformity of discipline throughout the Church, and prevent the growth of divergent practices. But those who consulted the Roman pontiff were not in any way bound to accept his ruling. The decretal was an answer to a question; it was not a command. Those who accepted it were merely imitating the Roman see; they were not obeying it." In other words, they were, at first, letters of advice, not letters of command.

day through the earl's submission. And just before the Norman Conquest one more illustration is provided. Archbishop Robert of Jumièges fled from the country at the time of the national rising under Godwin, Stigand of Winchester being put into his place. Here we were clearly in the wrong, for Robert had not been canonically deposed; but, at all events, though he appealed to Rome, England refused to take any notice of the decision there given in his favour.

III

In this insularity, however, there was the danger of the Church getting into a backwater, and the Norman Conquest came to bring it into the main stream of the life of the Western Church. It "was drawn into the general tide of ecclesiastical politics, and lost much of its insular character; it gained in symmetry and definiteness of action, and was started on a new career."[1] The expedition was blessed by the Pope, and in fact one of its objects was to bring the Church of England into obedience to the Papacy. It was at one and the same time an expedition and a crusade. Freeman[2] says that England's "crime

[1] Stubbs' *Constitutional History*, i. 280.

[2] *The Norman Conquest*, iii. 284.

in the eyes of Rome—the crime to punish which William's crusade was approved and blessed—was the independence still retained by the island Church and nation. A land where the Church and nation were but different names for the same community; a land where priests and prelates were subject to the law like other men; a land where the king and his witan gave and took away the staff of the bishop, was a land which, in the eyes of Rome, was more dangerous than a land of Jews and Saracens." The result of the Conquest was a closer union than before with the Papacy, though we need carefully to observe that the Church was not then, or at any subsequent period, so merged into the Papacy as to lose its separate identity.[1] William I. flatly refused to do homage to Gregory VII. "I refused to do homage, nor will I, because neither have I promised it, nor do I find that my predecessors rendered it to your predecessors." No legate could enter the country without the King's permission; no one could pay spiritual homage

[1] "No Church was more distinctly the child of the Roman Church than the English Church; but for that very reason the English Church kept more of distinctness and independence than any other. While the other Western Churches might pass, sometimes for parts of the Roman Church, sometimes for its subjects, the Church of England kept the position, dutiful, but not servile, of a child who had reached full age." (Freeman, *op. cit.*, v. 340.)

to the Pope till the King had decided which of two rival claimants was the real Pope; letters from Rome had to be shown to the King. These were no empty threats or paper legislation, but were acted on repeatedly.

When Guy, Archbishop of Vienne, for example, arrived in England in 1101, announcing that he had been appointed legate of all Britain, there was general astonishment that any one should try to act as legate save the Archbishop of Canterbury, and an absolute refusal to recognise his powers. Similarly, when Peter of Cluny was appointed legate by Calixtus over Gaul, Britain, Ireland, and the Orkneys, though he was allowed to land, he was politely dismissed without any exercise of his commission being allowed.

In 1115 Pope Pascal II. bitterly complained to the Archbishop of Canterbury regarding the independent attitude assumed by the English Church. There was no appeal, he said, from the national synod, and the Church managed its business without reference to Rome. He threatened, therefore, to cast off the dust of his feet against us if we did not give way, and arranged to send a legate to make us more subservient. The legate was sent and reached England, but was refused permission to land. Moreover, as no legate could enter the country without the

King's permission, so no bishop could leave the country without the royal sanction. Thus in 1224 (in the reign of Henry III., be it noted) Peter de Rupibus was refused permission to go to Rome, and this in spite of the Pope's letter in which he spoke of "coming to us and to the Roman Church his mother, for this is really no more an injury to him than it is to us and the Apostolic see."

There is no need to go step by step through the anti-papal legislation of the Middle Ages. Two things must be noted—the growing power of the Papacy as it steadily followed up the Hildebrandine claims, and the protests raised by England. Sadly often the Church found itself between the upper and the nether millstones of Papal and Royal authority, and preferred the more distant and somewhat less grinding oppression. In fact, it earned for itself the unenviable nickname of "the milch cow of the papacy"; it was the Pope's "garden of delights and inexhaustible well,"[1] while it has been estimated that at times the money going out of the country to the Pope exceeded the revenue of the King.[2] When

[1] The words were used in the first instance of English embroidery greatly coveted by the Pope.

[2] Gasquet (*Henry III. and the Church*, p. xiv.) attempts to justify these extortions by saying: "It is admitted, I believe, that it was to carry out these public duties and benefits to

Heymo of Hythe became Bishop of Rochester in 1319, there was a disputed election. The result of the fees and bribes at Rome was that he "pledged his credit to pay the necessary outlay, and returned home so poor a man that the clergy of his diocese had to subscribe twelve pence in every mark out of their incomes to maintain him for the first year of office."[1] Protests were made repeatedly, but Acts of Parliament such as Provisors and Præmunire failed to stop the mischief. It was in vain that Parliament in 1367 attempted to assist the over-burdened clergy, promising to support the bishops in their resistance, and declaring that the Pope must be resisted with all the power of the realm. But though these attempts failed, they prepared the way for the final struggle. At length, in 1533, the Statute forbidding Appeals to Rome (part of which has already been quoted) was passed. This was no bolt from the blue, nor was it passed solely in order that the king might get

the world [the wars with the Hohenstaufen] that the popes were obliged so constantly to appeal to the generosity of their spiritual children, whose temporal quarrels they were really fighting. It was not out of a passion for wealth, nor indeed to gratify any love of personal splendour, that the mediæval popes made those unpopular demands for money."

[1] Capes, *A History of the English Church in the Fourteenth and Fifteenth Centuries*, p. 53.

his divorce pronounced in England without fear of the decision being upset at Rome. It was but the culmination of a long series of anti-papal statutes, and "it only needed the strong hand of a Tudor to guide and direct the anti-papal feeling of the English nation."[1] Before he left the Church of England Cardinal Manning said the same thing. "If any man will look down along the line of early English history, he will see a standing contest between the rulers of this land and the bishops of Rome. The Crown and Church of England with a steady opposition resisted the entrance and encroachment of the secularised power of the Pope in England. The last rejection of it was no more than a successful effort after many a failure in struggles of the same kind."[2]

IV

The objection is frequently made that the evidence quoted above is valueless, because it only refers to the temporal jurisdiction of the papacy. The Pope, it is said, was regarded in England as the spiritual head of Christendom until the reign of Henry VIII. By rejecting his spiritual claims we cut ourselves off from the

[1] Aubrey Moore, *History of the Reformation*, p. 24.
[2] Manning, *The Unity of the Church*, p. 361.

Catholic Church and forfeited our continuity. This matter requires examination. It is not always easy to distinguish between the two kinds of jurisdiction, *e.g.* the pre-Reformation legislation against appeals involves the rejection of the papal claim to universal jurisdiction. If we do grant that the Pope was recognised as spiritually supreme over the whole Church in mediæval days, our claim to continuity is untouched; for the Reformation was a return to the condition of primitive times, to the days before the papacy existed in its mediæval form and with its later pretensions. The standard set was the early days of the English Church. Then we were a really national body, in communion indeed with Rome, but not slavishly subject to it. To break down our claim to continuity, it must be shown that the mediæval papal claims are scriptural and primitive. This we maintain cannot be proved. An illustration from surgery may be used. The Reformation in England was a surgical operation. If the Hildebrandine Papacy were the heart, then the operation was fatal and continuity has gone. We argue (and it is well always to remember that the great Eastern Church joins with us) that it was not the heart of the body, but was rather to be compared to a diseased organ which needed drastic treatment,

with the result that we are stronger and healthier than before.

The question of the Pall is often raised. We are told that every archbishop till Cranmer received it, that it was a sign of jurisdiction conferred on its receiver, and that no archbishop dared to act as a metropolitan till he had received it. Our answer is as follows. First of all, there is no proof that every archbishop received it, there being no evidence in the case of some of the early archbishops. But even if all had received it, what then? The idea that the pall conferred jurisdiction is not primitive, and did not exist in early days. The Benedictine editors of the works of St. Gregory the Great point out that Vergilius of Arles, who consecrated Augustine, had exercised his metropolitical functions for several years before the pall had been sent him by Gregory; and add, "The theory of the necessity of the pall had not up to that time been introduced; ecclesiastical authority did not as yet depend on that article of external honour."[1] Moreover, we find a canonist like Fulbert of Chartres writing to Arnold of Tours, in 1023, that if he be wrongfully denied the pall there is no reason why he should not exercise his ministry

[1] See Bp. Browne, *Church Historical Society's Publications*, lx. p. 16.

without it; while as late as 1786 the Archbishops of Germany, when assembled at Ems, resolved, in view of papal exactions, that if it were not granted gratis for the future they would act without it.[1] We can instance men like Lanfranc and Anselm, the former of whom consecrated Thomas of York in 1070 before his pall came (in fact, he and Thomas went to Rome together for their palls), while the latter consecrated Robert to Lincoln in 1094, some months before the arrival of his pall from Rome.

Similarly, we are told that bishops were appointed by papal provisions and took an oath of allegiance to the Pope. Both statements are perfectly true so far as the later Middle Ages are concerned, but both are false in regard to earlier times and more primitive conditions. Bishops were often appointed by papal provision, but such appointments, confessedly, were a late administrative usurpation on the Pope's part; and in many cases the nominees were foreigners who seldom, if ever, came to their sees. In 1360 the Pope preferred William of Gainsborough to Worcester, and entrusted to him both the temporalities and the spiritualities of the see. This was an invasion of the Royal prerogative,

[1] See Bp. Collins, *Church Historical Society's Publications*, iii. p. 47.

and from this time until the Reformation the nominee of the Pope was called upon to repudiate what the Pope had given him, receiving it again from the King. But bishoprics were not always so filled. In 1416, when there were three claimants for the papal chair, none of whom had been recognised in England, and three sees were vacant, which in ordinary circumstances would not have been filled without bulls from Rome, the Archbishop, fortified by royal support and his legatine office, filled them on his own authority as metropolitan. As regards the oath of allegiance taken by bishops to the Pope, it is enough to say that it first came into existence in 1073, when it was imposed upon the Archbishop of Ravenna by Gregory VII. Gradually other archbishops, and then bishops, were called upon to take it. As Augustine, Theodore, Dunstan, Elfege, Lanfranc, and Anselm had never taken it, we cannot lose continuity by its abolition in the sixteenth century.

Similarly, attention is at times drawn to the fact that before the Reformation the Roman Canon Law was accepted in England. It is well to be quite clear as to what Dr. Maitland does and does not say.[1] He is chiefly concerned with the three papal statute books, the first of which

[1] *Roman Canon Law in the Church of England.*

was published by Gregory IX. in 1234. Each of these, he says, was "a statute book deriving force from the Pope who published it," and his contention is that "during the later middle ages all English Ecclesiastical courts regarded themselves as bound by them." Granted that this contention is correct, it need not touch the question of our continuity, which rests on the condition of things earlier than that of the "later middle ages." We regard, in fact, the position of the Papacy during that period as something abnormal, an accretion on the true constitution of the Christian Church and an invasion of its rights.

Additional Note

National Churches

"We are sometimes told that what is commonly spoken of as the Church of England is in reality no more than two provinces of the Catholic Church. Now as a matter of fact this is formally inaccurate: the Catholic Church consists not of provinces but of dioceses; that is, of bishops with the clergy and people subject to them. A province is not a division of a larger body, viz. the Catholic Church, but an aggregation of smaller bodies, viz. dioceses; and the statement to which I have referred above ought to run that the English Church consists of such and such a number of dioceses (the number varies from time to time) within the unity of the Catholic Church. But even so, it is only part of the truth. The English Church does indeed consist of so many dioceses within the unity of the Church Catholic, and in consequence it partakes of that life which is common to the whole Catholic Church. But it is not merely so many dioceses of the Catholic Church; it is this and something more. It is a local, particular, or national Church, by which I mean that it is bound together by a common life peculiar to itself. . . . The English Church does indeed consist

of a certain number of dioceses of the Catholic Church, and these dioceses do indeed make up two provinces; but it is something more than a mere *congeries* of dioceses, or two ecclesiastical provinces: it is a real living entity. It has a real life and character of its own, which has left its record in every page of its history."—Bp. Collins, *The Rights of a Particular Church in Matters of Practice*, pp. 5–7.

CHAPTER II

THE CONTINUITY OF THE CHURCH OF ENGLAND—*continued*

I

GREAT and important changes were made at the Reformation over and above the repudiation of the usurped papal supremacy. Attention must be drawn to some of these, on account of the charge that continuity has been forfeited through the alterations then made in doctrinal matters. The issue of the Bible in English cannot be so adduced, for this was but a return to Anglo-Saxon days when large parts of it were issued in the vernacular, to say nothing of later times and Wycliffe's version of the Scriptures. So too with the Prayer Book. Its issue was a return to primitive times when the services had been in a language "understanded by the people." Its title-page is a clear witness to the Church's claim to be a part of the whole Church, for it runs, "The Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church,

after the Use of the Church of England." The English Church rightly asserts that the prayers, the Sacraments, the rites and ceremonies belong to the whole Church, but that it, as a national Church, is entitled to its own method of presenting them to the people. Attention, too, may be drawn to the claim to continuity contained in the preface "Concerning the Service of the Church," where it is stated that "the service in this Church of *England* these many years hath been read in Latin to the people, which they understand not." Once again, there was the dissolution of the monasteries. We can leave on one side the question whether the Church is the richer or poorer by the absence of those living the religious life. If their absence breaks continuity, a precedent had already been set in the fifteenth century by the suppression of the alien priories in the reign of Henry V.; and, in fact, there can be no guarantee of continuity anywhere, for there is no country in Europe in which there has not been either a partial or a complete suppression of the monasteries.

If it be imagined that the acceptance of the Royal Supremacy broke continuity, it is enough to insist that this supremacy was no invention of the sixteenth century. The title "Supreme Head of the Church," which Henry assumed, was both new and unfortunate, but the thing signified by

it was both old and true. The Supremacy was accepted by bishops of the old school such as Gardiner and Tunstall. The former wrote by far the best defence of it when the bishops were called upon to defend it. So, too, Tunstall wrote to Pole denying that its acceptance broke the continuity of the Church. "Ye presuppose, for a ground, the King's grace to be swerved from the unity of Christ's Church; and that in taking upon him the title of Supreme Head of the Church of England, he intended to separate his Church of England from the unity of the whole body of Christendom." "No," says the bishop, "his full purpose and intent is, to see the laws of Almighty God purely and sincerely practised and taught, and Christ's faith without blot kept and observed in his realm; and not to separate himself or his realm anywise from the unity of Christ's Catholic Church, but inviolably, at all times, to keep and observe the same, and to reduce his Church of England out of all captivity of foreign powers heretofore usurped therein, into the pristine state that all Churches of all realms were in at the beginning."[1]

Without doubt there were important changes made in the teaching of the Church at this

[1] Tunstall to Pole: *Burnet's Records*, Part III., Book iii., No. 52.

period. The faith regarding the mode of the Presence of Christ in the Eucharist, Penance, the state of the departed, the position of the Blessed Virgin Mary, may be cited as illustrations. But it is easy to show that in every case there was a return to primitive times, and that the scriptural and primitive doctrine regarding each of these matters was firmly adhered to. The changes made were in the nature of purifications. The original doctrine had become surrounded in course of time with accretions, caused through superstition or the love of over-definition. These accretions were removed, not in order that the original doctrine might be denied or altered, but that it might shine out the clearer in its original beauty, after these accretions, hardenings, and over-definitions had been rejected. The *tu quoque* argument may be used here with some force, for if the changes made in the sixteenth century caused us to lose our continuity, where is the continuity of Rome to be found, in view of the additions made to its profession of faith century by century? The Church of England held fast to the three Catholic Creeds, which remain part of its formularies and liturgy, insisting (in the 8th Article) that they "ought thoroughly to be received and believed; for they may be proved by most certain warrant of holy Scripture."

It puts into the mouth of a dying man the words of the Apostles' Creed, and it did little, if anything, more before the Reformation, for the confession of faith in the Sarum *Ordo ad visitandum infirmorum* is but an amplification of that Creed.

II

The Church is built upon "the foundation of the Apostles and Prophets, Jesus Christ Himself being the head corner stone." Until the Reformation the English Church possessed the three Orders of bishops, priests, and deacons. Continuity is denied us on the ground that the Orders of the post-Reformation Church are invalid. The controversy centres in the consecration of Parker on the death of Pole in 1559, and the attack assumes many forms. The old fable that Parker was not consecrated at all, but that a mock ceremony took place in a Cheapside public-house, has long been given up by all respectable controversialists.

The consecration of Matthew Parker, who was "elected Archbishop of Canterbury in the place of Reginald Pole, the late holder of that see, now vacant by the death of the said Reginald," took place in the chapel of Lambeth Palace on December 17, 1559, and was performed by Bishops

Barlow, Coverdale, Hodgkyns, and Scory, all of whom joined in the laying on of hands and in the repetition of the words, "Receive the Holy Ghost," &c. Regarding the position of assistant bishops at consecration, it must be noted that Martene regards them as co-consecrators, not merely as witnesses. "It may be asked whether all the bishops who assist are co-operators or merely witnesses of the consecration. But it must be affirmed, without the least hazard of doubt, that they are not only witnesses but also co-operators."[1] Similarly the Sarum service for the consecration of a bishop regards them as co-consecrators, speaking of the "archiepiscopus et cæteri episcopi consecrantes,"[2] while the Suffragan Bishops Act of 1534 (26 Henry VIII., cap. 14) says that "the bishop that shall nominate the Suffragan to the King's Highness, or the Suffragan himself that shall be nominate, shall provide two bishops or suffragans to consecrate him, with the Archbishop, and shall bear their reasonable costs."[3] The most

[1] *De Ant. Eccl. Rit.*, 1, 8, 10.

[2] Maskell, *Monumenta Ritualia*, iii. p. 244; and *cf.* the Bangor Use, where the anointing is performed by all the bishops, *ibid.*, iii. p. 261 note.

[3] The position of the bishops assisting at a consecration is well discussed by Fr. Puller in two important letters to the *Guardian*, March 11 and 24, 1910.

important charges against the validity of English Orders centre in this consecration, and are as follows: (1) Barlow was no bishop, and so could not hand on a gift which he did not himself possess; (2) the word "bishop" is not used in the formula of consecration; and (3) there was no right intention, for the consecrators did not intend to make Parker a bishop of the old line, with the old powers, but a new kind of bishop altogether. Each of these charges can be quite satisfactorily dealt with.

It is true that there is no record at Lambeth of the consecration of Barlow. The same thing is true of many other bishops of the period whose Orders have never been questioned; indeed, Dixon believes that "perhaps such a certificate was regarded as optional or superfluous."[1] But the evidence for his consecration is conclusive. It is thus summed up in the first paper issued by the Church Historical Society:[2] "Barlow, who was appointed in 1536, acted as undisputed Bishop for the last ten years of Henry VIII.'s reign, and we must remember that the King, to the end of his life, strongly upheld the old doctrinal system. He had, moreover, a law-suit with his Dean and Chapter at St. David's,

[1] *History of the Reformation*, v. 225.

[2] *Has the English Church preserved the Episcopal Succession?* p. 2.

who would at once have won their case if they could have proved him no true Bishop. It is incredible that a man, elected to one bishopric after another, never proceeded to consecration, and yet was accepted as a consecrated Bishop by every one, either deceiving the King, the Primate, the Bishops, and all concerned, or having them all as his accomplices. This point is well put by the Roman Catholic historian Lingard: 'When we find Barlow during ten years, the remainder of Henry's reign, constantly associated with the other consecrated Bishops, discharging with them all the duties, both spiritual and secular, of a consecrated Bishop, summoned equally with them to Parliament and Convocation, taking his seat among them according to seniority, it seems most unreasonable to suppose, without direct proof, that he had never received that sacred rite without which, according to the laws of both Church and State, he could not have become a member of the episcopal body.'"

Nor can capital be made out of the fact that till 1661 the English Ordinal did not contain the words "for the Office and Work of a Bishop in the Church of God." There is no such thing as a "Catholic" form for ordination or consecration, for the form has varied in different parts of the Church, and at various times in the same

part of the Church. That Parker was really being made a bishop was made perfectly clear from other parts of the service, and it is the service as a whole, not some few words selected from one part, which has to be considered.[1] The service is headed "The Form of Consecrating of an Archbishop or Bishop;" it is "the elected Bishop" who is presented by "two Bishops unto the Archbishop of that Province, or to some other Bishop appointed by his commission;" and he is presented as a "godly and well learned man to be consecrated Bishop."

The third objection is equally valueless, for the intention was perfectly plain. We are not called upon to examine into the views held by the persons who performed the service. It is true that Barlow once irreverently said that "a

[1] Dr. Fortescue, in his *Orthodox Eastern Church*, admits this. "The Christians of the first centuries certainly did not ask very closely at what exact instant the grace of any Sacrament was given. They obeyed Christ's commands, said the prayers, and did the actions He had appointed, and they believed that God in answer would most certainly do His part. But they did not discuss the exact instant at which all conditions were fulfilled." In a footnote he discusses the question of ordination, and says: "In the case of Holy Orders the question is still more uncertain. No one can say at what instant the subject becomes a priest. Of course the bishop does everything scrupulously; the subject is certainly not a priest when the service begins, he certainly is one when it ends" (p. 387 and note).

layman should be as good a bishop as himself, or the best in England, if the King chose to make him a Bishop." St. Thomas Aquinas rightly points out that the minister "acts in the person of the whole Church of which he is a minister; in the words which he utters, the intention of the Church is expressed, which suffices for the perfection of the Sacrament, unless the contrary is openly expressed by the minister or the receiver of the Sacrament."[1] Our own Richard Hooker agrees, for "what every man's private mind is, as we cannot know, so neither are we bound to examine; therefore always in these cases the known intent of the Church generally doth suffice, and where the contrary is not manifest, we may presume that he which outwardly doth work, hath inwardly the purpose of the Church of God."[2] In this case the intention of the Church of England is manifest, for the preface to the Ordinal states the historical fact that "from the Apostles' time there hath been these Orders of ministers in Christ's Church, Bishops, Priests, and Deacons," and goes on to speak of "the intent these Orders should be continued and reverently used, and esteemed in this Church of England." It was no new kind of bishop,

[1] *Summa*, iii. 64, 8.
[2] *Eccl. Pol.* v. 58, 3.

priest, and deacon, with new powers and functions, but that kind which had existed from Apostolic days, that the Church of England intended to continue.

III

As there was no creation of a new Church at the Reformation, so there was no transfer of property from one Church to another. The ancient endowments of the Church of England have belonged to it from the day when first given, and part of them go back to the earliest days of the Church in this land. The charter of Ethelbert giving land at Tillingham, about 609, to Mellitus "for the benefit of his monastery, to wit the monastery of St. Paul the Apostle, the teacher of the Gentiles," has often been quoted. The possession of that property with an unbroken tenure of over 1300 years by the Dean and Chapter of St. Paul's is a striking illustration of continuity of possession. It was the same with the monastic property. Large parts of it were squandered by the king and his dependents, but that part now held by the Church was not transferred from one Church to another. It was but the transfer of property from one ecclesiastical corporation in the body to another ecclesiastical corporation in the same body. In fact, in some cases the

property continued to be held by the same persons, though their titles had been changed. The last abbot of Peterborough, *e.g.*, became the first bishop of the new see of Peterborough, and some of the dispossessed monks became the first canons of the cathedrals of the new foundations, supported by the money which formerly came to the monastery, now turned into a cathedral.

Roman Catholics have acknowledged that they have no right to the pre-Reformation property of the Church of England. The Declaration of the Roman Catholic Bishops and Vicars Apostolical of 1826 is precise on this matter. "British Catholics are charged," they say, "with entertaining a pretended right to the property of the Established Church in England. We consider such a charge to be totally without foundation. We declare that we entertain no pretensions to such a claim. We regard all the revenues and temporalities of the Church Establishment as the property of those on whom they are settled by the laws of the land. We disclaim any right, title, or pretension with regard to the same."

Though the words are precise, and cover the moral and historical as well as the legal right, the assertion is still made that the Church has no moral right to the pre-Reformation endowments. We are told that there were certain

conditions attached to the gift when first given, that the present holders of the property do not fulfil these conditions, and that their moral claim to its retention is therefore vitiated. As a matter of fact, in the vast majority of cases there was no condition of any sort or kind expressed when the property was given. It was not given so long as certain doctrines were taught, or certain services held, but unconditionally, to "God and Holy Church." It is true, indeed, that in the later Middle Ages money and land were given to the monasteries with the intention that masses should be said for the repose of the souls of the donors. When the monasteries were suppressed (which took place some years before the doctrinal changes were made) this property passed into lay hands, in which it still remains. That part of it which was given back to the Church was given under new conditions. It is well, moreover, to observe that when Mary came to the throne and restored the papal jurisdiction over the English Church, this alienated monastic property was not restored. An Act of Parliament (1 & 2 Philip and Mary, cap. 8) was passed to legalise the alienation of the plunder. It was expressly declared by Queen Mary, Cardinal Pole, and the Pope that "tithes, glebe lands, or other ecclesiastical or spiritual profit" which had passed into

lay hands should be retained by those who had obtained possession of them. Moreover, much money was given during the later Middle Ages to individual parishes, with the condition plainly expressed that masses should be said in perpetuity for the souls of the donors. By the Chantry Act of the first year of Edward VI. these chantries were suppressed, careful inquiry was made into their property, and the whole of it was taken away from the Church. As the various parishes in which chantries were in existence no longer receive any income from this source, there is no condition to be fulfilled by the clergy.

This raises a further point, for it is at times stated that though particular mediæval deeds of gift do not specifically mention the holding of this or that doctrine, or the performance of this or that service as conditions of tenure, yet there is an implied condition underlying the gift, since the donor never imagined that the Reformation was in the womb of the future. Granted that he thought things would always remain in the state in which they were when he made his gift, this does not disturb the equity of our retention of the property. It merely means that these implied conditions cannot be strictly fulfilled at the present day by any one. If the donor were to come to life again, and Nonconformists on the

one hand, and Romanists on the other, were to submit claims to the property, his answer would be short and decisive. Nonconformists he had never heard of, and their claim would be promptly brushed on one side. So far as Roman Catholics are concerned, it may be urged that the Church of England is nearer to the Church to which the gifts were made than is the Roman Catholic body with its novel dogmas of the Infallibility of the Pope and the Immaculate Conception of the Blessed Virgin Mary.

IV

If continuity is not possessed by the Church of England, it is certainly not the possession of the Roman Catholic body in this country, which stands in the same position as other Nonconformist bodies, for it is a schism from the English Church, dating from the year 1570. On the accession of Elizabeth there were three parties in the Church. On the one wing was the Roman party, desiring things to remain as they had been under Mary, with the Papal Jurisdiction restored; on the other wing were the returned exiles, the Puritans, desiring that the Reformation should be carried very much further, so as to bring the Church into line with the new communities set

up on the Continent; and between these was the party of the Anglicans, led by such men as Parker. It is true that the Marian bishops refused to take the Oath of Allegiance to the Queen, and were accordingly deprived, but only some 200 of the clergy were deprived at this time. Though the returns are incomplete, recent research has failed to prove that the number is inexact. The bulk of the Roman party remained in the English Church until the issue of the Bull *Regnans in Excelsis* by Pius V. in 1570. By this the Queen was declared excommunicate, and the followers of the Pope were bidden to come out of the Church of England as from an unclean thing. From that date they have been a separate body, and until the nineteenth century were but "a mere collection of individuals"[1] governed by Vicars Apostolic. It was not till 1850 that Pius IX. set up a new Roman Catholic hierarchy in this land.[2] Their lack of continuity is acknowledged by Father Humphrey.[3] He does not, indeed,

[1] Newman, *The Pope and the Revolution*, p. 14.

[2] The printed accounts of the S.P.G., as circulated in the early years of the Society's existence, class English Roman Catholics among the Dissenting bodies; whilst, in a petition to Parliament made in 1791, they describe themselves as "Protestant Catholic Dissenters," and were prepared to take an oath in which they called themselves by the same title.

[3] *The Divine Teacher*, pp. 51–52. Cf. *Life of Cardinal Manning*, p. 223.

grant our continuity, but likewise he does not grant that of the Roman Catholic body in this land. "I do not defend the position [*i.e.* of the Roman mission in England]. I do not think it defensible, inasmuch as I do not believe it to be true, that we represent the pre-Reformation Church of England, in the sense of our being a continuation of that body. They [the English Church] represent it, but in the manner I have mentioned. We are a new mission, straight from Rome—the centre, and source, and ever-living well-spring of Christianity."

The proof is a cumulative one. No new Church was set up at the Reformation. We are, legally, historically, and theologically, the Divine society which has been in this land from the earliest days. With the Bishop of Gibraltar "we affirm that there is no Church in Christendom which has so unbroken a history as we have,"[1] and with Archbishop Benson we maintain that "continuity belongs in England to us alone."[2]

[1] *The English Reformation*, p. 35.
[2] *The Seven Gifts*, p. 172.

Additional Note

A Catena of Witnesses to the Continuity of the Church of England

This short catena of witnesses to continuity is added for two reasons. It is sometimes asserted that the claim to continuity is the invention of the Tractarians. It is important, therefore, to show that representative writers since the sixteenth century have been clear on this matter. It is also well to note that the claim is made, not only by Church writers, but also by historians, statesmen, and lawyers.

Archbishop Parker (1504–75).—"And while they shall contend for their strange claimed authority, we will proceed in the Reformation begun, and doubt no more, by the help of Christ's grace, of the true unity to Christ's Catholic Church, and of the uprightness of our Faith in this Province, than the Spanish clergy once gathered together in council. . . . I say, as surely dare we trust, as they did trust, of their faith and unity." (Strype's *Parker*—"Preface before a new translation of the Old Testament"—Appendix, p. 133, edit. 1711.)

Richard Hooker (1554–1600).—"We hope therefore that to reform ourselves, if at any time we have

done amiss, is not to sever ourselves from the Church we were of before. In the Church we were, and we are so still. Other difference between our state before and now we know none but only such as we see in Judah; which having sometime been idolatrous became afterwards more soundly religious by renouncing idolatry and superstition." (*Ecclesiastical Polity*, III. i. 10.)

Sir Edwin Sandys in 1599.—"No Luther, no Calvin, the square of their faith. What public discussing and long deliberation did persuade them to be faulty, that taken away; the succession of Bishops and vocation of ministers continued; the dignity and state of the clergy preserved; the honour and solemnity of the Word of God not abused; the more ancient usages not cancelled." (*Relation of the Religion used in the West Part of the World.*)

Canon XXX of 1604.—"Nay, so far was it from the purpose of the Church of England to forsake and reject the Churches of Italy, France, Spain, Germany, or any suchlike Churches, in all things which they held and practised, that, as the Apology of the Church of England confesseth, it doth with reverence retain those ceremonies, which do neither endamage the Church of God, nor offend the minds of sober men; and only departeth from them in those particular points, wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches, which were their first founders."

Richard Field (1561–1616).—"Hence it followeth

(which is the third thing I promised to shew) that howsoever we have forsaken the communion of the Roman diocese, yet we have not departed from the Roman Church in the later sense before expressed, wherein our fathers lived and died, but only from the faction which was in it. First, because we have brought in no doctrine, then generally and constantly consented on. Secondly, because we have done nothing in that alteration of things that now appeareth, but removed abuses then disliked, and shaken off the yoke of tyranny which that Church in her best parts did ever desire to be freed from." (*Of the Church,* App., Part III. ch. ii.)

Bishop Andrewes (1555–1626).—"Inde adeo, Reformatam modo religionem dicimus, non formatam de novo. Renovatores modo sumus, non Novatores." (*Responsio ad Bellarminum,* i. 21.)

Archbishop Usher in 1624.—"We bring in no new faith, nor no new Church. That which in the time of the ancient Fathers was accounted to be 'truly and properly Catholic,' namely, 'that which was believed everywhere, always, and by all,' that in the succeeding ages hath evermore been preserved, and is at this day entirely professed in our Church." (*Sermon* before James I. on June 20, 1624.)

Richard Crakanthorpe (1567–1624).—"Reformatio non aurum abstulit, sed purgavit a luto, non vel fundamenta evertit, vel parietes diruit aut tecta, sed vepres solum exscidit, et fimum ejecit. Non carnem, ossa, aut sanguinem corpori detraxit, sed saniem et humores pestiferos expulit. Aut si clarius

hæc dici velis: Quicquid aureum, solidum, fundamentale, quicquid Catholicum et antiquum est, retinuit, ea solum quæ internis sordibus vestra, lutea, morbida, et fundamento assuta, quicquid novum, hæreticum, Idololatricum aut Antichristianum erat, amputavit. De substantia antiquæ et Catholicæ fidei, nihil quidquam a nobis immutatum: quicquid tale est, amplectimur ambabus ulnis, exosculamur, tuemur. Novitia solum dogmata, et Antichristianos, non fundamentales fidei articulos repudiamus, abjicimus; ut Josias, non novum Templum quoad substantiam extruxit, sed ejectis inde Idolis, et cultu Idololatrico, Templum Dei in pristinum decus restituit; sic Ecclesiæ reformatæ, non fidem, et dogmata, quoad substantiam, nova construxerunt, sed eadem ipsa, expurgatio idololatriis vestris, ad antiquum decus, et decorem restituerunt." (*Defensio Ecclesiæ Anglicanæ*, ch. lxxxv.)

Bishop Overall (1560–1619).—"But now being by due reformation and repurgation through the heavenly physic of God's grace, purged from those ill humours and troublesome swellings, it is made thereby more light, apt, and fit, for spiritual operations; and for all substantial parts and points, remaineth the same it was before, one true Catholic Church from the beginning." (Preface to the 1609 edition of the *Works* of Jewel. This preface is attributed to Overall by Cosin: see his *Works*, ii. p. 78.)

Archbishop Laud (1573–1645).—"And there is no greater absurdity stirring this day in Christendom than that the reformation of an old corrupted Church,

will we nill we, must be taken for the building of a new. And were not this so, we should never be troubled with that idle and impertinent question of theirs—'Where was your Church before Luther?' for it was just there, where theirs is now. One and the same Church still, no doubt of that; one in substance, but not one in condition of state and purity: their part of the same Church remaining in corruption, and our part of the same Church under reformation. The same Naaman, and he a Syrian still; but leprous with them, and cleansed with us: —the same man still." (*Controversy with Fisher—Works,* ii. p. xiii.)

Bishop Hall (1574–1656).—"We abhor new Churches, and new truths; find ours either to be, or to be pretended to be, and forsake us; but when all our claim, all our endeavour, is only the reforming and repairing of an old Church, faulty in some mouldered stones, and misdaubed with some untempered and lately laid mortar; what a frenzy is this, to ask where that Church was, which we show them sensibly thus repaired?" (*Epist.* lviii.—*Works,* ii. p. 565, edit. 1708.)

Bishop Cosin (1594–1672).—"That they who give it out, and accuse us here in England to have set up a *new Church,* and a new Faith, to have abandoned all the ancient Forms of Piety and Devotion, to have taken away all the religious exercises and prayers of our forefathers, to have despised all the old ceremonies, and cast behind us the blessed Sacraments of Christ's Catholic Church—that these

men do little else but betray their own infirmities, and have more violence and will, than reason or judgment for what they say; the common accusations, which, out of the abundance of those partial affections that transport them the wrong way, they are pleased to bring so frequently against us, being but the bare reports of such people as either do not or will not understand us what we are." (Preface to *A Collection of Private Devotions—Works,* ii. 90.)

Archbishop Bramhall (1594–1663).—"We do not arrogate to ourselves either a new Church, or a new religion, or new Holy Orders. . . . Our religion is the same it was, our Church the same it was, our Holy Orders the same they were, in substance; differing only from what they were formerly, as a garden weeded from a garden unweeded; or a body purged from itself before it was purged."

Herbert Thorndike (1598–1672).—"For I must first observe, that this position supposes the Church for which it standeth to be a true Church. And that I presume in behalf of this Church, by reason of a visible authority, visibly derived into it, by a visible succession of the bishops thereof; the reformation pretending no more than to restore that which had been decayed by the fault of times past, unto that which first was instituted by the Apostles and the authority of the Apostles." (*Works,* v. 554.)

Isaac Barrow (1630–1677).—"I do not scruple to affirm the recusants in England to be no less schismatics than any other separatists. They are indeed somewhat worse, for most others do only forbear

communion, these do rudely condemn the Church to which they owe obedience; yea, strive to destroy it; they are most desperate rebels against it." (*A Discourse concerning the Unity of the Church.*)

Edmund Burke (1772).—"Two honourable gentlemen assert that if you alter her symbols you destroy the being of the Church of England. This, for the sake of the liberty of that Church, I must absolutely deny. The Church, like every body corporate, may alter her laws without changing her identity. As an independent Church, professing fallibility, she has claimed the right of acting without the consent of any other; as a Church she claims, and has always exercised, a right of reforming whatever appeared amiss in her doctrine, her discipline, or her rites. She did so when she shook off the papal supremacy in the reign of Henry VIII., which was an act of the body of the English Church as well as of the State (I don't inquire how obtained). She did so when she twice changed the Liturgy in the reign of King Edward, when she then established Articles which were themselves a variation from former professions. (*Speech*, February 6, 1772—*Works*, vi. 92.)

"There never has been a religion of the State (the few years of the Long Parliament only excepted), but that of the *Episcopal Church of England;* the Episcopal Church of England, before the Reformation connected with the see of Rome, since then disconnected and protesting against some of her doctrines, and against the whole of her authority

as binding on our National Church; nor did the fundamental laws of this kingdom ever know at any period any other Church as an object of establishment." Letter to Sir H. Langrishe, 1792—*Works*, iii. 309.)

Modern Witnesses

Mr. Gladstone.—"I can find no trace of that opinion which is now common in the mouths of unthinking persons, that the Roman Catholic Church was abolished in England at the period of the Reformation, and that a Protestant Church was put in its place. Nor does there appear to have been so much as a doubt in the minds of any of them [the Reformers] whether this Church, legally established in England after the Reformation, was the same institution with the Church legally established in England before the Reformation." (*Church and State*, vol. ii. p. 127.)

Sir R. Phillimore.—"It is not only a religious, but a legal error, to say that a new Church was introduced into this realm at the time of the Reformation. It is no less the language of our law than our divinity, that the old Church was restored, and not a new one instituted."

Professor Freeman.—"It is certain that no English ruler, no English Parliament, thought of setting up a new Church, but simply of reforming the existing English Church. Nothing was further from the mind of Henry VIII. or of Elizabeth than the

thought that either of them was doing anything new. Neither of them ever thought for a moment of establishing a new Church or of establishing anything at all. In their own eyes they were not establishing, but reforming; they were not pulling down nor setting up, but putting to rights." (*Disestablishment and Disendowment,* pp. 35–36.)

Mr. Justice Phillimore.—"The accepted legal doctrine, as to which there is no controversy, is that the Church of England is a continuous body from its earliest establishment in Saxon times." (Divisional Court—West Riding Council, 1907.)

Mr. Asquith.—"I am not one of those who think, as used to be currently assumed, that the legislation of Henry VIII. transferred the privileges and endowments of a National Establishment from the Church of Rome to the Church of England. I believe that view rests upon imperfect historical information. I am quite prepared to admit, what I believe the best authorities of history now assert, that there has been amidst all these changes and developments a substantial identity and continuity of existence in our National Church from earliest history down to the present time." (*Speech* in the House of Commons, March 21, 1895.)

Mr. C. Beard (Unitarian).—"At the same time, in order that we may not lay too much stress on these circumstances, we must take some pains to understand a fact which more than any other differentiates the English Reformation—I mean the continuity of the Anglican Church. There is no

point at which it can be said, here the old Church ends, here the new begins. . . . But it is an obvious historical fact that Parker was the successor of Augustine, just as clearly as Lanfranc and Becket. Warham, Cranmer, Pole, Parker—there is no break in the line, though the first and third are claimed as Catholic, the second and fourth as Protestant. The succession, from the spiritual point of view, was most carefully provided for when Parker was consecrated: not even the most ignorant controversialist now believes in the Nag's Head fable. The canons of the pre-Reformation Church, the statutes of the Plantagenets, are binding upon the Church of England to-day, except where they have been formally repealed. There has been no break, unless, by what we may call private circumstances, in the devolution of Church property. The Church may be Protestant now, as it undoubtedly was Catholic once; but it is impossible to fix the point at which the transition was legally and publicly made." (*Hibbert Lectures on the Reformation*, 1883, pp. 311–312.)

CHAPTER III

THE ESTABLISHMENT OF THE CHURCH OF ENGLAND

The continuity of the Church of England is a matter of crucial importance, for the Church in this land is either a Divine society with an unbroken record, or else it is nothing but a man-made institution. When we pass to a consideration of the question of the Church's establishment we are on a lower level, for its relationship with the State is not of its *esse*. It is a matter of history, not a matter of doctrine. The Church in the Roman Empire existed for some three centuries before the process of establishment began; the Church in Ireland was disestablished in 1869; the Church in South Africa and elsewhere is in a non-established position. The words of Mr. Gladstone will bear repetition. "The union is to the Church of secondary though great importance. Her foundations are on the holy hills. Her charter is legibly divine. She, if she should be excluded

from the precinct of government, may still fulfil all her functions, and carry them out to perfection. Her condition would be anything rather than pitiable should she once more occupy the position which she held before the reign of Constantine. But the State, in rejecting her, would actively violate its most solemn duty, and would, if the theory of the connection be sound, entail upon itself a curse."

I

Before it is possible to consider what the establishment of the Church is and involves, it is necessary to clear the ground by finding out what it is not. We must not make an equation and say that establishment equals creation. It is enough to point out that not only had the Church been set up in each of the kingdoms of the Heptarchy, but Theodore had welded these churches into one united Anglo-Saxon Church a century and a half before the various kingdoms of the Heptarchy had combined to form the one English nation. As establishment does not mean the creation of the Church by the nation, so it does not mean the creation of the Church by Parliament, for the first English Parliament did not meet till the end of the thirteenth century,

and its sessions were held in the Chapter House of Westminster Abbey, lent it for this purpose. We must rid our minds of the common idea of the word "established" as we so often see it over the doors of a house of business. In such a place it undoubtedly does mean creation, and points to the date when the particular house of business came into existence. But this is by no means the only meaning of the word. Johnson's definitions of the verb "establish" are—"to settle in any privilege, to confirm, to settle firmly, to fix unalterably, to make firm, to ratify"; and of the noun "establishment"—"confirmation of something already done, ratification." An illustration from science may be employed. Evolution tells us nothing about the origin of matter. It only tells us of the way in which already existing matter has developed into the form which it assumes at the present time. So establishment describes the manner in which an already existing Church has been settled and made sure, firm, solid. Establishment may mean one thing in one country and something entirely different in another, for the establishment may be effected at some particular definite moment by means of an Act of Parliament, or it may be the result of a long, and often silent, growth. There is no date which can be laid down as that on which the previously

non-established Church of England became the established Church of the land. There was no compact entered into by Church and State as there was in Scotland, where the Episcopal Church was disestablished and the Presbyterian Church established in its place; but in England a relationship has grown up between the two, varying in character and extent from century to century. Nor has there been any preferential treatment of one religious society over another. No examination has been held between various religious societies at which the Church of England came out first and was accordingly rewarded with establishment. One has not been taken and the others left.

II

Before we can approach the study of establishment in England, it is necessary to observe the manner in which the Church attained an established position in the Roman Empire, for we shall discover that what happened in England was the reproduction on a small scale of what had happened in the Roman Empire. The great task of the Church was the conversion of this Empire to Christ. St. Paul had clear views of this as his work. He is not only the missionary

but "the traveller and the Roman citizen," working along the great roads, all of which led to Rome. The Church came, almost at once, into contact and conflict with this Empire. Far from there being anything which in any way resembled establishment, the first three hundred years of the Church's history are a record of persecution. Christianity was an illegal religion, a *religio illicita*, and the Christian Church an illegal association, the very profession of the Name placing a man outside the protection of the law. This condition of affairs lasted till 313, when Constantine granted toleration to the Church by means of the famous Edict of Milan. This did not establish the Church, but it prepared the way for subsequent establishment. Christianity was now ranked as a legal religion; its members could appeal to the law on questions relating to property. Gradually this recognition and toleration passed into establishment. Under toleration the Church increased rapidly, not only in numbers but in power and unity of action. Side by side with this fact we find the Emperors becoming Christians themselves, and therefore naturally desiring that the Church should be the Church of the whole Empire, as opposed both to paganism and to heretical and schismatical bodies—in short, making it the official and universal religion and

State Church. It is recognised accordingly as an official body; it is established; it is made sure, firm, solid; it is ratified and confirmed; it is stablished, strengthened, settled. The effects of the Edict of Milan are thus stated by the well-known French historian, Mgr. Duchesne: "To the changes in their legal situation which came into operation in 311 and 313 the Christians owed before all else the liberty of their associations, recognised as that which they were in reality, and freed from the shackles which the law imposed on moral bodies. They had the right of possessing as a corporation, not only a common chest, but also the real property which served for their social centre, that is to say, the churches and their dependencies, the bishop's house, hospitals and other eleemosynary establishments, then their cemeteries, and even property held and used for what it produced. The ecclesiastical patrimony could be increased by gift and by will. The State recognised the bishops, elected chiefs of the community, as the administrators of their temporal property, and their religious directors."[1] Over against these facts we find that the Emperors now intervene in Church matters, inquiring into its affairs, calling councils, choosing bishops. It is no Protestant,

[1] *Histoire Ancienne de l'église*, ii. 658.

but a Roman Catholic, who writes: "The papacy, as the West knew it later on, was still unborn. Into the place which it did not yet occupy the State installed itself without hesitation. The Christian religion became the religion of the Emperor, not only in the sense that it was professed by him, but in the sense that it was directed by him. This is not what it should be; this is not according to theory, but it is a fact."[1] This Imperial Supremacy was acknowledged by the Church. The Emperor was not granted any power to alter the doctrine of the Church. The supremacy was exercised from without, not from within. He was recognised as the eldest son of the Church, and charged therefore with the duty of directing, guiding, assisting, controlling, and even of disciplining it. It was but the fulfilment of Isaiah's prophecy that "kings shall be thy nursing fathers, and their queens thy nursing mothers."

III

That which we have seen happen on a large scale in the Roman Empire happened on a small scale in England. The English Church (as distinct from the older British Church) was brought

[1] *Op. cit.*, ii. 661.

here by St. Augustine in 597. The first step towards establishment was at once taken, for at the interview which St. Augustine held with King Ethelbert toleration was granted to the mission. Bede thus records the speech of the King: "Your words and promises are very fair, but as they are new to us, and of uncertain import, I cannot approve of them so far as to forsake that which I have so long followed with the whole English nation. But because you are come from far into my kingdom, and, as I conceive, are desirous to impart to us those things which you believe to be true and most beneficial, we will not molest you, but give you favourable entertainment, and take care to supply you with your necessary sustenance; nor do we forbid you to preach and gain as many as you can to your religion."[1] Before long the Church is seen to pass from toleration to complete recognition. Ethelbert was baptized with many of his people, while gifts were given to the Church and secured to her in perpetuity. In one word, the Church became the State religion of the kingdom of Kent. It was made secure in its position and in the tenure of its property; it was made sure, firm, settled.

There is no need to go through the history of

[1] I. 25.

the planting of the Church in each of the seven kingdoms of the Heptarchy, for precisely the same thing happened in each of them. But one fact deserves careful attention—the recognition by the Church, from earliest times, of the Royal Supremacy in each of these kingdoms. The King of Northumbria, Oswy, intervenes in Church affairs, in order to promote unity, and accordingly calls together the Synod of Whitby to decide whether Celtic or Roman customs shall be followed by the Church. The same fact becomes clear by noticing the manner in which bishops were appointed. Wessex received its Christianity in 634 through the preaching of Birinus. On his death the bishopric was offered by the king to Agilbert. Bede tells us[1] that "the king observing his erudition and industry, desired him to accept an episcopal see, and stay there as his bishop. Agilbert complied with the prince's request, and presided over those people many years." It was the same in the case of the archbishopric of Canterbury after the death of Deusdedit in 664. Bede says[2] that "at this time the most noble King Oswy, of the province of the Northumbrians, and Egbert of Kent, having consulted together about the state of the English Church . . . with the consent of the holy Church

[1] III. 7. [2] III. 29.

of the English nation, accepted a good man and fit priest, to be made a bishop, called Wighard, one of Bishop Deusdedit's clergy." It is impossible to lay down any hard-and-fast rule according to which bishops were appointed in Anglo-Saxon days, for there appears to have been considerable variety of practice; sometimes the King appointed, sometimes the King and his Witan, sometimes the bishops of the province, sometimes the clergy of the diocese concerned, with the consent and approval of the King.

The Churches of the Heptarchy were consolidated into an united Anglo-Saxon Church by Archbishop Theodore, whilst a century and a half later the kingdoms of the Heptarchy were welded together into an united English nation. The union between the Church and the State was as close as it is possible to conceive, for the bishops sat in the witenagemot, the shiremot, and the hundredmot, with the king and ealdormen; the councils of the Church were mixed assemblies of the clergy and the laity; there was no sharp line of demarcation drawn between the laws of the Church and those of the State. Bishop Stubbs says[1] that "the prelates, bishops, and abbots were the statesmen of the period; they held great estates, and even provincial governorships, it is

[1] *Lectures on Early English History*, p. 91.

said; certainly they were the chief members of the witenagemots, they declared the spiritual laws in the shiremots, they commanded armies, they constrained kings to obedience, and it is by no means clear that they themselves or the nation they ruled distinguished very clearly between the religious and the coercive machinery by which they enforced the observance of their rule." In fact, there are no days of which Hooker's theory[1] of Church and State are more true than the Anglo-Saxon days. Church and State were not identical, for "the Church of Christ and the commonwealth are two corporations, independently each subsisting by itself." Yet they are completely coterminous, for "we hold that seeing there is not any man of the Church of England but the same man is also a member of the commonwealth; nor any man a member of the commonwealth which is not also of the Church of England; therefore as in a figure triangular the base doth differ from the sides thereof, and yet one and the selfsame line is both a base and also a side; a side simply, a base if it chance to be the bottom and underlie the rest; so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a Church to be given

[1] *Eccl. Pol.*, vii. 1, 2.

unto a multitude, yet one and the selfsame multitude may in such sort be both, and is so with us, that no person appertaining to the one can be denied to be also of the other."

IV

If the relationship between Church and State in Anglo-Saxon times may be compared to that between the body and the soul, in the days after the Norman Conquest the image must be changed, for it is henceforth rather like that of husband and wife, together with the possibility of the relationship not always remaining an ideal one. Friction might, and at times did, occur, for instead of each being desirous of helping the other, occasions arose when the parties began to stand on their dignity, and the one to maintain that the other had no right to interfere in some particular matter, claiming that the subject under discussion came solely within one of the two jurisdictions, and not within reach of settlement by the two together. The Normans were clear that there must no longer be any confusion between Church and State. They accepted the results of the Hildebrandine reformation of the Church, which had been based on the principle

of drawing sharp and clear lines between the ecclesiastical and the temporal elements in human life. Accordingly, one of the most important ecclesiastical results of the Norman Conquest was the separation between the Church courts and the civil courts, apparently in 1086. The King ordered[1] that "the episcopal laws be mended as not having been kept properly nor according to the decrees of the sacred canons throughout the realm of England, even to my own times. Accordingly I command and charge you by royal authority that no bishop nor archbishop do hereafter hold pleas of episcopal laws in the Hundred, nor bring a cause to the judgement of secular men which concerns the rule of souls. But whoever shall be impleaded by the episcopal laws for any cause or crime, let him come to the place which the bishop shall choose and name for this purpose, and there answer for his cause or crime, and not according to the Hundred but according to the canons and episcopal laws, and let him do right to God and his bishop. . . . This too I absolutely forbid, that any sheriff, reeve, or King's minister, or any other layman, do in any wise concern himself with the laws which belong to the bishop, or bring another man to judgement save

[1] See Gee and Hardy, *Documents Illustrative of English Church History*, pp. 57–58.

in the bishop's court." This legislation, however, did not mean that the Church was henceforth to be a "Free Church," or that the connection between Church and State was to be in any way severed. The Royal Supremacy over the Church was most clearly asserted and exercised by the Norman and subsequent kings; in fact, "few points of ecclesiastical supremacy were claimed by Henry VIII. which were not also claimed and possessed, though it may be differently used, by Norman William."[1] This is readily seen by a consideration of some of the Norman legislation regarding the Church:[2]—

1. "He would not suffer any one settled in the whole of his kingdom to receive as Apostolic Pope the bishop of Rome unless at his command, or to receive letters from the Pope on any account if they had not been previously shown to him."

2. "The King did not permit the primate of his kingdom, that is to say, the Archbishop of Canterbury, if he assembled and presided over a council general of bishops, to enact or forbid anything except what was agreeable to his will, and had been previously ordained by him."

3. He "did not permit leave to be given to any of the bishops to compel and prevent, to excom-

[1] Church, *St. Anselm and William Rufus*, p. 148.
[2] Stubbs, *op. cit.*, ch. iii.

municate or subject to the punishment of ecclesiastical discipline any of his barons or his servants, even if he were defamed for adultery, incest, or any capital crime, unless by injunction."

If the essence of establishment consists of "toleration, recognition, protection, legislation, supervision and control,"[1] it is evident that we are dealing with an established Church throughout the period from the Conquest to the Reformation. There had been no selection of the Church for preferential treatment, there was no compact entered into at some fixed and discoverable date, but there was a close, though varying, relationship between the two. The position of the Church as the Church of the nation was made secure, while the State both protected and legislated for it. There is no need to select any particular Acts of Parliament of the Middle Ages dealing with Church affairs for special consideration. If, on the one hand, these Acts are described as State legislation for the Church, it must be remembered that they may, with equal accuracy, be described as legislation by churchmen for the Church, for we are dealing with days when the Church was the sole representative of religion in the land, and every member of Parliament was at the same time a member of the Church.

[1] Helm, *Establishment*, p. 10.

V

Our consideration of the status of the Church in pre-Reformation days will have made it clear that the Royal Supremacy was not a new thing invented and first exercised by Henry VIII. The only novelty lay in the title of "Supreme Head," and this was rejected by Elizabeth in favour of the title "Supreme Governor," though it does not appear to go much beyond the so-called laws of Edward the Confessor which term the King "the Vicar of the King of Kings," declaring that he "is constituted for the purpose that he may govern, and defend from the injurious, his earthly kingdom, and the Lord's people, and above all things venerate and rule the Holy Church, and pluck out, destroy, and wholly abolish all evil-doers from her." The title "Supreme Head" first came into existence in 1531, when Convocation accepted the formula "of the Church and clergy of England, whose especial Protector, single and supreme lord, and, as far as the law of Christ allows, even Supreme Head, we acknowledge His Majesty to be."[1] It is well to bear in mind that this acknowledgment was made during the primacy of Warham, three

[1] For details of the manner in which Convocation agreed to this, see Gairdner, *Lollardy and the Reformation*, i. 447.

years before the passing of the Act forbidding Appeals to Rome. In 1534 the title became part of an Act of Parliament—the Act of Supremacy—which made it clear that no spiritual office was being demanded by or granted to the King, for it says that he "justly and rightfully is and ought to be" Supreme Head; whilst the First Fruits Act of the same year speaks of him as "now recognised, as he always indeed hath heretofore been, the only Supreme Head on earth, next immediately under God, of the Church of England." When the bishops were called upon to write in defence of the title, by far the best justification of it came from the pen of a bishop of the old school, Stephen Gardiner. In his "Oration on True Obedience" he says that "it appeareth that the thing itself, which was expressed by name, was not only true but also ancient; it came of advised judgement, and not of temerity, that some notable name should be set forth to stir up the hollow hearts and feeble judgements of some men unto the consideration of the truth by, and to advertise the subjects by, that name, that the prince is the whole prince of all the people, and not of a part"; and, once more, "that no new thing was introduced when the king was declared to be the Supreme Head, only the bishops, nobles, and people of England

determined that a power which of divine right belongs to their prince should be more clearly asserted by adopting a more significant expression." We find similar definitions of the Supremacy in the reign of Elizabeth. The 37th Article of Religion lays it down that "we give not to our princes the ministering either of God's Word or of the Sacraments . . . but that only prerogative which we see to have been given to all godly princes in Holy Scripture by God Himself, that they should rule all states and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers." Similarly, in her "Admonition to simple men deceived by malicious," appended to her injunctions of 1559, the Queen explained that she "neither did, nor ever would, challenge any authority other than was challenged and lately used by the said most noble Kings," which, she said, "is, and was, of ancient times due to the Imperial Crown of this realm." So again, after the suppression of the Northern Rebellion, the Queen explained[1] that "we know no other authority, either given or used by us, as Queen and Governor of this realm, than hath been by

[1] See Bp. Collins, *Queen Elizabeth's Defence of her Proceedings in Church and State*, pp. 41–42.

the law of God and this realm, always due to our progenitors, sovereigns and Kings of the same."

But though the assertion of the Royal Supremacy, and the conferring of a new designation upon the King did not grant to the Crown any new powers over the Church, it must be noted that the same cannot be said regarding the manner in which the powers were exercised, for in 1535 the King appointed Thomas Cromwell as his vicegerent in ecclesiastical matters. He was authorised to "visit in the name of the King all cathedral and collegiate churches, as well as others, correct and punish their presidents and prelates, although archbishops or bishops, suspend them from their benefices, sequestrate their revenues, make new statutes for their governance, call synods, direct, confirm and annul the election of prelates." This wholesale delegation of a personal supremacy was never again made. "Practically its unconstitutional character was from the first admitted. It only existed for five years, and is merely one among the many unconstitutional acts of that period."[1] The same may be said of the powers conferred by the Act of 1534 to "visit, redress and amend all errors and abuses which by any spiritual jurisdiction ought to be amended." Here there is something

[1] Wakeman, *History of the Church of England*, p. 319.

wholly new—the claim not merely to see that the spiritual authorities exercised the jurisdiction which belonged to them, but for the Crown itself to exercise such jurisdiction. This was not only claimed but actually exercised from 1534 to 1554, when it was abolished by the repeal of the Act in the first year of Philip and Mary. Queen Elizabeth's Act of Supremacy revived the power, but committed its exercise, not to the Crown, but to a court of justice specially created for the purpose, and generally known as the Court of High Commission. This, in its turn, was abolished as unconstitutional by the Long Parliament in 1641. Mr. Wakeman says: "This visitatorial and amending power was therefore wholly Parliamentary in its origin, and never agreed to by the Church in its corporate capacity, though no doubt it was acquiesced in without question for many years. Eventually it was abolished because of its unconstitutional character, before the Reformation in England was fully completed."[1]

[1] *History of the Church of England*, p. 318.

Additional Note

Erastianism [1]

It is important that Church Defence and Erastianism should not be confused. At the present time the latter term is generally employed to express the view that the Church is nothing but a department of the State, so that Churchmen are bound to submit their consciences to any ordinances of religion imposed by the authority of the State. Accordingly Selden has thus defined Erastianism: "Whether is the Church or the Scripture the judge of religion? In truth neither, but the State" (*Table Talk*, op. iii. 2067).

Defenders of Church establishment would indignantly reject this position, and if this is Erastianism, then Erastus himself was not an Erastian. A few words on his life and teaching will not be out of place.

Erastus (or Thomas Lüber) was born at Baden, in Switzerland, in 1524, and came under the influence of the Zwinglian form of the Reformation. He

[1] See articles by Dr. Figgis in *Journal of Theological Studies*, Oct. 1900, and *Cambridge Modern History*, iii. ch. xxii.; also *From Gerson to Grotius*, p. 74, by the same author.

settled in Germany as a physician, and in 1557 became a professor in the University of Heidelberg. Here he threw himself into the controversy regarding the rights of the ruling elders to excommunicate offenders, though his contribution to this controversy was not published till after his death. After resigning his professorship he retired to Basle, where he lectured on Ethics, dying in 1583.

To understand his position, we must note :—

(1) He was only concerned with a country in which one form of religion was professed, so that his opinions are not relevant to a country like England, where complete religious toleration is enjoyed by the members of all religious denominations.

(2) He was only concerned with moral discipline, not with doctrine ; opposing the setting up of the Calvinistic discipline, in which the courts claimed to be founded *jure divino*.

(3) He saw that the erection of this discipline would lead to the setting up of a tyranny, anticipating Milton's opinion that "new presbyter is but old priest writ large."

(4) He maintained that there cannot be two equal and rival jurisdictions in the State, arguing that the Church possesses persuasive power only, while the State possesses coercive power.

(5) He was not concerned with magnifying the State, nor with enslaving the Church, but with protecting the individual. We should agree with him that every citizen must possess the right of appeal to the State regarding a breach of contract on the

part of the religious body to which he belongs. No religious society may so interpret its formulas as to do injustice to any of its members. This is as true of the so-called "Free Churches" as it is of the Church of England.

CHAPTER IV

THE ESTABLISHMENT OF THE CHURCH OF ENGLAND—*continued*

HAVING traced the relationship between Church and State to the Reformation period, we proceed to ask, What was the result of the Reformation legislation on the Church's establishment? The powers conferred on the Crown (not conferred for the first time, but restored and emphasised) are enumerated by Hooker under six heads.[1] Three of these must be considered in detail, for they carry us to the heart of our subject.

The first is "the prerogative of calling and dissolving greater assemblies about spiritual affairs public," together with "the right of assenting unto all those orders concerning religion, which must after be in force as laws." In other words, Convocation cannot meet without the King's permission, nor do its canons become the law of the land without the Royal Assent. These matters came prominently forward in 1531 through the "Submission of the Clergy." Con-

[1] *Eccl. Pol.*, viii. II. 1.

vocation was forced, scandalously enough, to pay an immense fine for having accepted Wolsey as Papal legate, and was compelled to agree to this famous submission. The clergy gave up the power of making canons or constitutions without the Royal Assent, and this submission was made to extend to the putting in force of any canons already in existence. In other words, it was enacted that it rested with the King to determine how far the Canon Law should have force in the country. There was no desire to put an end to the Canon Law itself, for a commission of thirty-two persons was ordered to proceed with its revision. The object was to suspend the operation of the Canon Law until such time as it had been revised and brought into agreement with the laws of the kingdom. That there is nothing new in the claim to call and dissolve greater assemblies about public spiritual matters is at once recognised by referring to the statement of the 21st Article of Religion, which says that "General Councils may not be gathered together without the commandment and will of princes." It is a plain historical fact, incapable of contradiction, that every Council which can claim recognition as Œcumenical was assembled in this manner. Moreover, the decrees of these Councils needed

the ratification of the Emperor. Thus the Council of Constantinople in 381 wrote to the Emperor Theodosius: "We therefore intreat your piety to ratify the decision of the synod, that as you have honoured the Church by letters of Convocation, so also you would seal the definition agreed on."[1]

We, however, are now concerned with our own Church and land. The King was reviving the ancient laws of England. The legislation of the Conqueror regarding this matter (quoted in the last chapter) ordered that if the primate assembled or presided over a council general of bishops, nothing should be enacted or forbidden which was not agreeable to the wishes of the King, and previously ordained by him. The King's writ to the Archbishop summoning Convocation in the year 1295 may be quoted: "We command you by the faith and love whereby you are bound to us, firmly enjoining that on Sunday next after the Feast of St. Martin in the winter next and to come, you be present in person at Westminster, forewarning the prior and chapter of your church, the archdeacons, and all the clergy of your diocese, causing that these same priors and archdeacons, in their own persons, and the said chapter by one, and the same clergy

[1] Harduin, *Concil.*, i. 808.

by two proctors, having full and sufficient authority from the chapter and clergy themselves, be present with you, by all means, then and there to discuss, ordain, and do with us and the other prelates and nobles and other inhabitants of our realm, in what manner we are to meet such perils and evils devised. . . ." That the work done by the Church needed the ratification of the Crown is shown by an illustration taken from the year 1127 or 1128, when Henry issued an edict of confirmation which ran thus: "Know ye that by my authority and power I concede and confirm the statutes of the council celebrated by William, Archbishop of Canterbury, and legate of the Holy Roman Church, at Westminster; and what was there forbidden I forbid. So, if any shall have been a violator or contemner of these decrees, if he shall not have humbly satisfied ecclesiastical discipline, let him know that he must be heavily coerced by the royal power because he has presumed to resist the Divine disposition."[1] The method of procedure is clear: the initiative comes from the Church (by agreement with the Crown, which issues "letters of business,") and the Church in Convocation makes the necessary canon, but the Crown regulates the work done by the Church through

[1] Stubbs, *op. cit.*, p. 104.

its possession of a veto on the ecclesiastical legislation of the Convocation. This method of procedure is clearly stated in the Declaration of Charles I. (drawn up by Archbishop Laud) prefixed in 1628 to the 39 Articles, where we read that "if any difference arise about the external policy concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy in their Convocation is to order and settle them, having first obtained leave under Our broad seal so to do; and We approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land."[1]

[1] Convocation must not be confused with the Provincial Synod. The latter (as Archbishop Wake says in his *State of the Church and Clergy*, p. 27) "was held by the sole power of the metropolitan. The King might sometimes approve of, or advise, the calling of it, but I believe it will be hard to find out any one instance wherein he required the Archbishop, by any royal writ, to assemble such a council."

Two quotations from the Convocation Report on the position of the Laity, 1902, are appended:—

P. 64. "*As regards the power of summoning Church assemblies, and the restraint on their power of making canons, we have to notice that nothing is said about the right of the Archbishop of Canterbury or of the two Archbishops acting together, to summon a national council of the whole country. It seems quite worthy of consideration whether this power, not having been explicitly abolished, does not still exist.*"

P. 64. "*As regards the provincial synods or convocations, it must be noted that the claim that they were always sum-*

II

The second point raised by Hooker to which we must give attention is the "advancement of principal Church governors to their rooms of prelacy"—that is to say, the State appointment of Bishops. Here also we find that Henry VIII. was not the creator of some new system. From earliest times we see Bishops appointed by the State. In regard to the early days of the English Church, "the Bishops were commonly appointed in various ways; sometimes by a king alone; sometimes by the King and Council; sometimes, it would seem, chosen and nominated by the Bishops of the province; sometimes by a much larger body of public opinion."[1] For example, in Canute's reign we find canonical election and acceptance by the witan of the Royal appointment; then the King sent a writ to the Archbishop commanding the consecration of his nominee after election by the cathedral chapter.[2]

moned by the King's writ is unhistorical and untrue, though the constant summons of them for purposes of taxation at the King's request gave some colour to the statement."

[1] Bp. Browne, *The Election, Confirmation, and Homage of Bishops*, p. 3.

[2] See Hunt, *A History of the English Church, 597–1066*, p. 396.

The Norman kings gave the Chapters leave to elect, "but did not promise and did not intend that the Chapter might without their permission elect any one it pleased." The "elections took place in the King's chapel and in presence of the King's justiciary, who ruled the election."[1]

It may be asked, By what authority does the Crown interfere in Episcopal appointments? The answer may be given by quoting the *congé d'élire* of Queen Elizabeth for the appointment of Matthew Parker to the Archbishopric of Canterbury: "Since the aforesaid church is now vacant by the natural death of the Most Reverend Father and Lord in Christ, Reginald Pole, and is deprived of the comfort of a pastor . . . therefore we give you our license as Founder to proceed to a new election, and recommend accordingly. . . ." The Queen is here asserting the old theory that Bishoprics were originally donatives of the Crown.[2] Because of this the Crown is the patron

[1] Bp. Browne, *op. cit.*, p. 5.

[2] The words of Archbishop Laud (*Remains*, ii. 2, 68) may be compared. "Our being bishops *jure Divino* takes nothing from the king's right or power over us. For though our office be from God and Christ, immediately, yet may we not *exercise* that power, either of order or jurisdiction, but as God has appointed us; that is, not in his Majesty's or any Christian king's kingdoms, but by and under the power of the king given us so to do."

of the Bishopric (in the same manner as the inheritor of an estate is the patron of the benefice founded by his ancestors), and accordingly presents a nominee to be approved by the Chapter of the Cathedral concerned.

III

Hooker's third point is the "judicial authority higher than others are capable of." We have already seen that one of the earliest and most important Acts of the Reformation period was the Statute of 1533 forbidding Appeals to Rome. This Act came as a necessary corollary to the declaration of the King's headship made by Convocation in 1531. The principle was reaffirmed in 1534 by the resolution (agreed to in the Canterbury Convocation by 34 to 5, and in the York Convocation unanimously) that "the Pope hath no greater jurisdiction given him in Holy Scripture by God in this Kingdom of England than any other Foreign Bishop." The question naturally arises as to whom appeals shall go for the future. If the Pope is not to be consulted, where shall the final court of appeal be? The Act of 1533 dealt with this matter by making the decisions of the Archbishop's Court final, save in cases where the King's interest might be

concerned. To deal with such cases provision was made for a further appeal to Convocation, *i.e.* to the Church in synod. The next year a change was made, as it was perceived that Convocation was an unsuitable body for judicial functions. Provision was made, therefore, for a final appeal from the Archbishop's Court to the King in Chancery, *i.e.* to judges nominated or elected by commissions issued in the King's name out of the Court of Chancery.

These Courts continued until the reign of William IV., when their authority was transferred by statute to the Judicial Committee of the Privy Council. Lord Selborne says:[1] "There was very little, if any, difference in principle between the appeal to the 'King in Chancery' given by the Act of 1533 and . . . the eighth article of the Constitutions of Clarendon." Of the Judicial Committee of the Privy Council he says:[2] "It is needless to add that there cannot possibly be any difference in principle between an appeal to the 'King in Chancery' given by statute in A.D. 1533 and an appeal to the King in Council given by statute in A.D. 1832; the latter may, or may not, be a better court than the former, but there cannot be any difference in principle." But though there is no difference in principle, it must be remembered

[1] *Defence*, p. 42. [2] *Ibid.*, p. 43.

that there is an important difference of another kind. Both bodies were created by statute, but the Church was consulted regarding the former, whilst the change in 1832 was made without the consent of the Church. The result of this is expressed in the words of the report of the recent Royal Commission on Ecclesiastical Discipline:[1] "As thousands of clergy, with strong lay support, refuse to recognise the jurisdiction of the Judicial Committee, its judgments cannot practically be enforced."

It may be worth while adding that the limits of the power of the Judicial Committee have been defined thus: "This Court . . . has no jurisdiction or authority to settle matters of faith or to determine what ought in any particular to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the doctrine of the Church of England, upon the true and legal construction of her Articles and Formularies."[2]

This matter of the ecclesiastical courts carries us to the very heart of the subject of establishment. Lord Selborne says that "the establishment of the Church by law consists essentially in

[1] Report, p. 67.

[2] In the case of Mr. Gorham, quoted in Selborne's *Defence*, pp. 202–203.

the incorporation of the law of the Church into that of the realm, as a branch of the general law of the realm."[1] There is here, then, no preferential treatment or special favour bestowed upon one religious body at the expense of all others. Rather, as the same writer says, "the relations between the Church of England and the State, which constitute the Establishment of the Church, are in their true nature securities taken by the State against possible excesses of uncontrolled ecclesiastical power, rather than privileges conferred upon the Church by the State."[2] This he explains when he adds that "to allow that which is regarded as public law, and which is enforced by public tribunals, to be enacted, repealed, or altered in any matter of substance, without previous license, or subsequent assent and confirmation of the Civil Power, would be to admit a dual system of government within the realm, not less inconsistent in principle with the independence of the supreme authority of the State than the Foreign Power which was rejected at the Reformation."

[1] *Op. cit.*, p. 10. [2] *Op. cit.*, p. 74.

IV

Before leaving this consideration of the subject of establishment, one point requires emphasis. The Royal Supremacy and Parliamentary control must not be confused or imagined to be identical. It was the former, not the latter, which was accepted by the Church. Queen Elizabeth made this quite plain, not only in words but by her actions. She kept the power in her own hands, and rated that of the bishops higher than they rated it themselves. For example, when the Parliament of 1572 began to deal with Church questions, her message ran that "her Highness' pleasure is, that from henceforth no Bills concerning religion shall be preferred or received into this House, unless the same should be first considered and liked by the clergy." In the following year the Speaker (Sir E. Coke, the famous constitutional lawyer) was warned that "her Majesty's pleasure is that if you perceive any idle heads . . . which will meddle with reforming the Church, and transforming the Commonwealth, and do exhibit any Bills to such purpose, that you receive them not until they be viewed and considered by those who it is fitter should consider of such things and can better

judge of them."[1] This order of procedure was acted upon in 1661 when the Book of Common Prayer received its final form. The initiative was taken by Convocation, and the book sent by the King to Parliament, which received it in the form already agreed on by the Church and the King. The Commons asserted their right of discussing the changes which had been made in it, but decided (by a majority of 6 only in a house of 186) not to exercise this right. The changes made were accordingly accepted as a whole, even the correction of clerical errors being referred back to Convocation.

Gradually, however, the prerogative of the Crown was more and more narrowed or taken over by Parliament, while the complexion of Parliament itself was altered from what it had been in Elizabethan and Stuart days. This lies

[1] "Her view of the situation was logical, historical, and constitutional. It was as intolerable that Parliament should interfere between her and Convocation as that Convocation should interfere between her and Parliament. She stood in direct relation to one on the civil side and to the other on the ecclesiastical side; she assented to Acts of Parliament on the one hand and to canons of Convocation on the other. To proceed otherwise was illogical and unconstitutional. Therefore throughout her reign she set herself to maintain this balance, and to crush all parliamentary initiative in ecclesiastical matters, and all attempts at intrusion into the sphere reserved for dealings between the Crown and the Church." (Frere, *Puritan Manifestoes*, p. x.)

at the root of much of the current opposition to the continued establishment of the Church. What is wanted, it is clear, is not disestablishment, but a clearer setting forth and acting upon the real constitutional relationship between Church and State. There is no need to trace in detail the steps by which the change has been made. It is enough to say that by the Act of Union of 1707 Scottish Presbyterians were allowed to enter Parliament; Roman Catholics were admitted in 1829, and Jews in 1858. When we place side by side with these facts the all-important fact that Convocation was silenced by the State from 1717 to 1852, we can readily understand the way in which the affairs of the Church were increasingly settled by Parliament without the Church in its corporate capacity expressing its views, as also the way in which the idea has grown up that Establishment means the control of the Church by the State without the Church having the right to say yes or no to the proposed legislation. The truer ideal is being gradually restored, as can be seen from the action taken in 1892 by Archbishop Benson, who obtained "letters of business" from the Crown; Convocation passed its canon regarding criminous clerks, and Parliament approved this in the form of the "Clergy Discipline Act." Similarly, at the

present time the Convocations have "letters of business" and are dealing with the revision of the Book of Common Prayer, though the results of their action have not yet been sent to Parliament.

We see, then, how impossible it is to define establishment by means of a definition or an epigram. We can only fully state it by tracing the varying relationship between Church and State from century to century. But underlying this relationship is the fact that establishment presupposes a Christian basis for the State, for it is the national formal recognition of religion; indeed, in the view of such an authority as Bishop Creighton, disestablishment would be a "repudiation of the Christian basis of our national life." The words of Dr. Gairdner[1] may well conclude this section of our subject:—

"The principle of an Established Church, however at variance with theories which pious minds are too easily led to entertain, is one which, when once laid down, can never be set aside. What we call in these days Disestablishment is really Establishment over again. The only example we have of it shows this clearly. For the Church in Ireland is now a State Church even more than it was before 1869. It is a Church established by Royal Charter under an

[1] *Lollardy and the Reformation*, ii. pp. 469–470.

Act of Parliament; and it was established by a very strong exercise of Royal Supremacy. . . . As regards the Church, Disestablishment, like Establishment, consisted simply in coercion. The political principle of Establishment cannot possibly be annulled, and if we are to have a practical religion, and not a mere chaos of sectarian philosophies, we must face the fact plainly."

Additional Note

"Established by Law"

This expression came into use in the sixteenth century, and after being applied to the Liturgy and the Articles, was extended to the Church itself. Apparently its first use in this connection is in the third of the Canons of 1604 :—

"Whosoever shall hereafter affirm, That the Church of England, by law established under the King's Majesty, is not a true and Apostolical Church, teaching and maintaining the doctrine of the Apostles, let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his repentance, and public revocation of this wicked error."

Similarly, in 1660, Charles II. referred to "the . . . esteem we have for the Church of England, as it is established by law," while since this date the Church has constantly, in various Acts of Parliament and elsewhere, been described by these terms.

With regard to this manner of using the term, it ought to be noted :—

(1) The Canons of 1604 (and the Acts of Parliament which use the same language) do not thereby

bring about the establishment of the Church. They only describe something which has already come to pass. The constitutional position of the Church is affirmed, but nothing is said as to the manner in which this position has been brought into existence.

(2) The Latin version of the Canons of 1604 deserves careful consideration, for the words of the third Canon "established by law" are there rendered "sub regia majestate legibus stabilitam" —*i.e.* protected, ratified, made firm, fixed unalterably by the laws of the land. Certainly no warrant can be found in these words for the assertion that an Act, or series of Acts, of Parliament either created the Church or selected it for preferential treatment.

(3) When attention is drawn to Canon 3 of 1604, attention should also be drawn to Canons 4, 5, and 6, which bear the following titles :—

Canon 4.—"Impugners of the public Worship of God, established in the Church of England, censured."

Canon 5.—"Impugners of the Articles of Religion, established in the Church of England, censured."

Canon 6.—"Impugners of the Rites and Ceremonies established in the Church of England, censured."

The term has also been used in regard to Nonconformity. Thus, the House of Commons, in February 1663, vigorously protested against any project of Toleration which would have the effect of "establishing schism by a law." Toleration was granted to Dissenters in 1689, and accordingly the term

"established by law" can rightly be applied to the so-called Free Churches, as it is applied to the Church of England. The term was so used in 1767 by Lord Mansfield when giving a legal judgment in the House of Lords:—

"The Dissenters' way of worship is permitted and allowed by this Act. It is not only exempted from punishment, but rendered innocent and lawful; it is established, it is put under the protection, and is not merely under the connivance of the law."

The establishment of Nonconformity differs from that of the Church of England in degree, but not in nature, and was brought about by definite Acts of Parliament (of which the Toleration Act was the first), while that of the Church of England has been the result of a long, and often silent, growth. This variety of use makes it clear that great care is needed in the employment of the term, lest it be used in the wrong connection, and the establishment of the Church of England be regarded as involving a relationship with the State different from that which actually exists.

CHAPTER V

THE FREEDOM OF THE FREE?

The new title of the "Free Churches" assumed in recent years by the various Nonconformist bodies in England involves a challenge. It is an assertion of freedom as opposed to bondage. "With a great sum obtained I this freedom," is the position taken up, whilst many of those separated from the Church of England sometimes pose as friends who desire some better thing for us, arguing that disestablishment would really be a blessing, though perhaps a blessing in disguise, since it would lead us into a freedom similar to that which they themselves enjoy. Is there freedom, then, in the "Free Churches"? We can only maintain that it does not exist. The title seems to have been given on the principle of *lucus a non lucendo*, for there is bondage in these religious societies, and that of a double kind. There is an inner bondage which far exceeds any conditions imposed upon the clergy of the Church of England, and there

is an outward bondage to the State which is, in principle, exactly the same as the relationship between the Church and the State, though it naturally differs in degree. Accordingly it is no misnomer to speak of the Wesleyans, the Congregationalists, the Baptists, &c., as being in one sense, and a very real one, "by law established."

In the first place, there is an internal bondage to the "Dead Hand," a matter which has been explained in detail by the late Rev. T. Moore in *The Dead Hand in the Free Churches*. None of these bodies possesses any real freedom of thought. A Wesleyan is not at liberty to preach definitely Baptist views, nor a Baptist to preach those of some other body. Not only this, but there is the enforcement of one particular type of thought in each of these bodies. We might have imagined that a Wesleyan Methodist preacher would be at liberty to take his Bible and preach anything he might learn from his study of it. So he may, provided always that his interpretation of the Bible does not clash with Wesley's interpretation. The Chapel Model Deed of 1832 will not allow any one to preach "who shall maintain, promulgate, or teach any doctrine or practice contrary to what is contained in certain notes on the New Testament

commonly reputed to be the notes of the said John Wesley, and in the first four volumes of sermons commonly reputed to be written and published by him." It is clear that the Wesleyan Methodist preacher has nothing like the freedom of thought for patient investigation and exposition of the Holy Scriptures which is possessed by the clergy of the Church of England. If we turn to the Congregationalist body we find the same lack of freedom. Here the contrast between the ideal freedom and the actual bondage is all the more startling on account of the fact that the whole rationale of the Congregationalist system lies in the fact that each congregation is, in theory at least, at liberty to decide its own doctrine, ceremonial, organisation, and discipline.[1] When the Chapel Building Society makes a grant towards the building of a chapel, it requires, as

[1] "A congregation comes into existence by such as desire to be members joining one another in a common confession of faith, and agreeing to conform to such rules as they choose to lay down for themselves. The Independents regarded every such congregation as having, according to Holy Writ, an absolute right to control its own doctrine, rites, and discipline. New societies might be formed by simple abscission, and at once acquired by a divine right all these powers. No society could exercise discipline over another, since all are equal. The Church, in fact, has been disintegrated into a multitude of isolated units" (Bp. Collins, *The English Reformation*, p. 180).

a rule, that its own particular form of trust deed be accepted. This trust deed lays down certain doctrines and certain principles of discipline. When these have once been accepted, the chapel concerned has no power to make the slightest alteration in them. The result may be seen from a quotation from a leading article in the *Christian Commonwealth* (January 15th, 1885): "It is positively illegal for a Congregational minister to immerse, or for immersion to be practised, in the chapels which are settled on the deeds of the Congregational Chapel Building Societies. If a minister wish to immerse a member, or a member to be immersed, it cannot be done. And these are the people who glory in their liberty!" Once more we contrast this with the freedom of the clergy and laity in the Church of England. The same lack of freedom is to be found in the Welsh Calvinistic Methodists. Their Constitutional Deed of 1826 explains the object of their existence. It is "to promulgate the Gospel of our Lord and Saviour Jesus Christ, as set forth in the doctrinal articles of the Church of England, and in the book called the Shorter Catechism of the Assembly of Divines who met at Westminster." So far all is well; but the preacher is not at liberty to put his own construction on the Articles of the Church of Eng-

land, or the Shorter Catechism, for the Deed continues, "according to the meaning now ascribed to the said articles and to the said catechism by Calvinists and Pædobaptists." The preacher has to discover what interpretation was put upon these articles in the year 1826 by Calvinists and Baptists, and then take care that his interpretation coincides and harmonises with theirs. Frequently the result of all this is, that instead of a healthy independence of life and thought, there is what Mr. Moore has called a "commonplace uniformity."[1]

One society alone can call itself a really Free Church in the sense of not being tied by the Dead Hand—a Free Church which came into existence by means of an Act of Parliament. In 1907 Parliament passed an Act which enabled three societies—the Methodist New Connection; the Bible Christians; the United Methodist Free Church—to amalgamate into the United Methodist Church. Modified freedom was granted by the State to this newly-created "Free Church," for the Act allows the society to state its doctrines in whatever terms it may please, and to alter that statement of doctrine whenever it may so desire, and this without further reference to Parliament.

[1] See *The Englishman's Brief*, p. 94.

II

We pass to the control exercised by the State over these bodies. If the essence of establishment is to be found in the words "toleration, recognition, protection, legislation, supervision, and control," it is no difficult matter to see how each of these operates in the case of societies separated from the Church of England. One such case has been mentioned in the last paragraph. The "United Methodist Church Act" of 1907 called a new "Free Church" into existence. This new corporation at once receives toleration. It is recognised by the State as a religious society; it will be protected in the enjoyment of its property; the State has already legislated on its behalf, and will do so again if it require future legislation; supervision and control will be exercised in order to see if it is true to its foundation documents.

It will be well, however, to look at the matter historically. Dissent arose in the sixteenth and the seventeenth centuries, and was at first penalised by such Acts of Parliament as the Corporation, the Five Mile, and the Test Acts. In 1689 the first step towards the "establishment" of Dissent began by the passing of the Toleration Act. By this Act Protestant Dissenters who

did not deny, in word or writing, the doctrine of the Holy Trinity as declared in the Thirty-nine Articles of Religion, were freed from all restriction as to worship. This exemption from the penalties attaching to certain laws to which they had previously been subject was the first step towards establishment. It was toleration by the State, comparable to the toleration granted to Christians in the Roman Empire by means of the Edict of Milan. Subsequently Parliament proceeded to confer full liberty of worship, recognising, protecting, granting privileges to them, while, on the other hand, it regulated their affairs, and this, in their capacity as religious societies separated from the Established Church, not merely in their civil capacity as citizens of the kingdom. By virtue of Acts of Parliament[1] they are allowed to acquire land on which to build chapels; they certify them for worship and register them for the purpose of solemnising marriages therein; they are protected from interference or disturbance during service time; their chapels are exempted from the payment of parochial rates and taxes so long as they are used only for religious worship; no service may be held in them with the doors locked, barred, or bolted; the trust deeds are

[1] See Additional Note at end of chapter.

enrolled in the Court of Chancery; the Charity Commissioners appoint trustees under their trusts and pay the legal expenses involved; the doctrines set forth in their trust deeds are interpreted and if desired modified by Parliament and the Courts of Law.

This is not merely a matter of ancient history, but is as true of the present day as of the past. The report of the Charity Commissioners for 1906 shows that during that year the Commissioners approved and certified schemes with reference to the property of three chapels, requiring in each case an Act of Parliament to give effect to them. The Commissioners say that "the main object of the scheme in each case is to authorise a variation in the doctrinal trusts upon which the chapel is settled, so as to bring them into accordance with the doctrines generally held at the present time by the congregation or denomination to which the chapel belongs." The doctrines to be held and preached by the minister are set out with considerable exactness in the trust deeds[1] which the minister

[1] Speaking at the annual meeting of the Central Church Committee in 1908, the Archbishop of Canterbury dwelt on the importance of this fact. Having mentioned the "Longton Caroline Street Chapel Charity Bill" and the "Kingswood Whitfield Tabernacle Charity Bill," he said, "You will find that in each of these arrangements are made by Act of Parliament

is legally bound to hold and preach until Parliament shall again intervene to give him relief. In short, no trust deed, nor any act of discipline or religious observance (if referred to in a trust deed), can be varied or dropped, unless the State shall intervene by means of an Act of Parliament or by a decision in one of the Courts of Law. A striking illustration of such intervention is furnished by the "Dissenters' Chapels Act" of 1844. This Act permitted a new interpretation to be placed upon the trusts of certain chapels, with the result that some hundreds of chapels which had been built by Presbyterians for the propagation of Presbyterian

as to the conditions upon which alone the pastor and the other officials of these different chapels may hold office; and you will find in the schedule to the Bill, every word of which is capable of amendment, a setting forth of the whole doctrine and the creeds which are there to be held. The doctrines are set forth in words so profound and so solemn that they are really practically the teaching of the Apostles' Creed, though they are put in other terms. They are set forth in doctrinal detail and embodied as a portion of the schedule of this Act of Parliament, and there is stated, in the course of the Act, what are the conditions upon which alone a man may have a tenure of his office. Now I will say, without fear of contradiction, that you may search the Acts of Parliament for three hundred years in England before you will find a single Act dealing with the affairs of the Established Church of England with such an amount of doctrinal detail as the affairs of these non-established people were dealt with in Parliament last year."

doctrine and worship (but not having been expressly limited to these objects by their trust deeds) were transferred to other religious societies which taught and practised things entirely contrary to the doctrines of the persons who founded the chapels. Parliament thus gave a title to Nonconformists to take property given in the first instance for religious purposes of one character and use it for religious purposes of a vastly different character.

The most important example in recent years of the intervention of the Law Courts, together with subsequent legislation by Parliament, for one of the "Free Churches," is the well-known case of the Scottish Free Churches in 1904 and 1905. The Free Church of Scotland was founded in 1843 by Dr. Chalmers and his followers, and numbered at first some 500 ministers. On account of what they regarded as the undue interference of the State regarding the ordination and appointment of ministers, they left the Established Church of Scotland, resigning their churches, manses, and endowments. Another schism from the Established Church was that of the United Presbyterian body which came into existence in 1847. At length, in 1900, these two separated bodies, the Free Church of Scotland and the United Presbyterian

Church, amalgamated, giving the newly created combination the name of the United Free Church. Some twenty-seven ministers and congregations protested, and held out against the union, commencing legal proceedings against the United Free Church, on the ground that they themselves were the real Free Church of Scotland, and that they alone were faithful in their adherence to the trust deeds of the original body of 1843. After much litigation in the Scottish Courts the case came before the House of Lords in 1904, and was decided in favour of the few who had stood out against the union of 1900. It was held that they, and they only, were true to the original trust deeds, since they alone had continued to teach in accordance with the Westminster Confession of Faith. Accordingly, all the churches, manses, endowments, and real property held by the 1300 United Free Church ministers passed into the hands of the small and faithful remnant which had rejected the amalgamation of their Church with the United Presbyterians in 1900. This decision of the House of Lords was soon followed by Parliamentary legislation. It was evident that 27 ministers and congregations could not make full use of the churches, manses, colleges and endowments generally of some 1300 congregations. The "Churches (Scotland) Act"

of 1905 was therefore passed to provide "for the settlement of certain questions between" the real Free Church and the United Free Church, as also to create a Commission to allocate to each a portion of the property "in such a manner as appears to the Commission fair and equitable, having regard to all the circumstances of the case, but subject to the provisions of the Act."

It is impossible to find a clearer illustration of the establishment of the "Free Churches." In fact, the word itself has been rightly applied to them, as far back as 1767, in Lord Mansfield's judgment, already quoted. To put it shortly, the "Free Churches" are not free. In their case, as in ours, there is a relationship with the State, involving on the one hand toleration, recognition, and protection, and on the other hand, legislation, supervision, and control. Where property is concerned, with them as with us, the appeal must be to Cæsar, for the king is "over all persons in all causes, as well ecclesiastical as temporal, throughout his dominions supreme."

Additional Note

Illustrations of the Manner in which Parliament Legislates for the "Free Churches"

1. Nonconformist bodies acquire sites for their chapels. (Places of Worship Sites Acts, 36 & 37 Vict., c. 50; 45 & 46 Vict., c. 21.)

2. *Certify* them for worship, and *register* them for the solemnisation of marriages under certain limitations and restrictions. (18 & 19 Vict., c. 81.)

3. They are protected from disturbance during public worship. (55 Geo. III., c. 155, s. 12; 23 & 24 Vict., c. 32.)

4. When *certified* for worship their chapels and endowments are exempt from the operation of the Charitable Trusts Act. (Charitable Trusts Act, 1853, 16 & 17 Vict., c. 137, s. 62.)

5. Their chapels are exempt from parochial rates and taxes so long as they are used exclusively for public religious worship. (3 & 4 Will. IV., c. 30.)

6. No meetings can be held in them for religious worship, &c., with closed doors. (52 Geo. III., c. 155, s. 11.)

7. If put in trust, their trust deeds are required to be enrolled in the Court of Chancery. (51 & 52 Vict., c. 42, s. 4.)

8. The property vested in their trustees devolves without conveyance; and the Charity Commissioners may appoint and give advice to trustees under their trusts, and pay all the legal costs incurred by that proceeding. (13 & 14 Vict., c. 28; 16 & 17 Vict., c. 137, s. 16; 32 & 33 Vict., c. 110.)

9. Parliament, as well as the State Law Courts, has power to *interpret and give a definite meaning to the doctrines set forth in their trust deeds.* (See 7 & 8 Vict., c. 45; see also *The Dead Hand in the Free Churches.*)

CHAPTER VI

THE ENDOWMENTS OF THE CHURCH OF ENGLAND

The Church of England is a national Church, not now indeed in the sense that every member of the nation belongs to it, for on every side there are persons and societies who have, at various times, and for various reasons, separated from its communion; but in the sense that its mission is a national mission. Unlike certain religious societies it is catholic rather than local, and is represented in every part of the country by its buildings and its clergy. At the present time there are, in England and Wales, 37 dioceses, with some 1300 parishes, and some 25,000 clergy. We need not state the exact numbers, because not only are efforts being made to increase the diocesan episcopate, but new parishes are being constantly formed, and the number of clergy must of necessity vary from year to year. These facts make it evident that the Church cannot effectively carry out its

mission without the possession of fixed permanent endowments. The voluntary system would be impracticable in such circumstances. That plan may work more or less satisfactorily in the case of small and insignificant societies, but the moment any religious body attempts a forward movement, to "lengthen its cords and strengthen its stakes," and aims at becoming more or less national in its work, permanent capitalised endowments, as distinguished from annual subscriptions, become an absolute necessity. This is, as a matter of fact, the attitude taken up by the various Nonconformist bodies in the country, which are making strenuous efforts, by means of million shillings funds and the like, to add to their permanent endowments. The Charity Commissioners, *e.g.* during the year 1909 dealt with new permanent Nonconformists endowments amounting to £39,302; whilst during the previous five years the amount so capitalised by them amounted to £131,785.

I

Before dealing with the actual endowments of the Church, it deserves to be noticed that, in reality, the Church of England has no property

at all. It is not a corporation in the legal sense of the term, and cannot hold property. The endowments belong to the various corporations which together make up the Church of England. These are either corporations sole (the bishop of such a diocese, or the vicar of such a parish) or corporations aggregate, such as the dean and chapter of a cathedral.

The first part of our property which must be considered is our bricks and mortar, our cathedrals and parish churches and other buildings. It is now, apparently, recognised on all hands that these cannot, with the least justice, be described as national property. The changed attitude of those who would disendow the Church is worthy of note. The "Case for Disestablishment" originally proposed that "the cathedrals and abbeys and other churches of a special character should unquestionably remain national and be dealt with accordingly." As regards the ancient parish churches the vague statement was made that "it may be safely assumed that Parliament will not sanction any provision which would do violence to the religious sentiment of the nation, and that that sentiment may also be relied upon as a means of preventing the ill use of buildings erected for ecclesiastical purposes." When the Welsh Disestablishment Bill of 1895

was introduced the proposals were less confiscatory. The parish churches and parsonages were to be transferred to the Representative Body, while the Cathedrals were left in the hands of the Welsh Commissioners, provision being made for their repair and maintenance out of the funds (other than parochial) vested in these Commissioners. They might be used, though not exclusively, for the same purposes as heretofore, *i.e.* for Church services. While the Bill was in Committee Mr. Asquith expressed his willingness to allow the Church to retain the cathedrals as well as the parish churches, the Church being responsible for their repair and upkeep. When a Committee of the Welsh Free Church Councils drew up in February 1909 a memorandum on the lines of a Bill, laying down the principles on which, in their view, the Government ought to proceed, the proposal was that the cathedrals should be held as national property and vested in the Board, kept in repair by the State as national monuments, used "entirely for religious purposes, or the holding of united choral festivals, and should be used only by the Disestablished Church. The Board should perhaps have power to allow other religious bodies to use them on special occasions if it thought fit." The parish churches should be vested in the Board and used

only by the Church, subject to the right of other bodies to use them for burial purposes. It is significant that these proposals were completely ignored in the Welsh Disestablishment Bill of 1909, which left the Church its cathedrals, parish churches, residences, and repair funds.

It will be seen later on that the State assisted in the rebuilding of St. Paul's Cathedral after the Great Fire of London, and helped in the building of parish churches in the early part of last century. With these exceptions the whole of the buildings of the Church are private, not national, property. Of the ancient cathedrals one only, Salisbury, was built outright. The rest are composite in structure, some of them retaining evidences of building work from Saxon up to modern times. So with the parish churches. It is not difficult to read their architectural history, but it is frequently most difficult to discover the way in which the funds were found for their erection and subsequent alteration and enrichment. Sometimes the bishop of the diocese, sometimes the local landowner, sometimes a neighbouring monastery, sometimes the parishioners, are responsible for the whole or part. The beautiful Early English Church of Stone in Kent is an illustration of one method adopted, for it appears that Bishop Laurence de St. Martin of

Rochester used the money given at the shrine of St. William of Perth in Rochester Cathedral for the building of the Church at Stone near to one of his country residences. Cathedrals and parish churches necessarily require large expenditure on upkeep, repair, and restoration. It need hardly be pointed out that no Government grants are made for this purpose. The buildings are regarded, from this point of view at least, as private, not national, property.

II

The various corporations of the Church are the possessors of land, given either for the endowment of bishoprics, or to the deans and chapters of cathedrals, to monasteries, or to the parochial clergy. Some of these grants go back to the earliest days of the Church in England. The case of Tillingham, where land was granted to Bishop Mellitus about the year 609, has been quoted in a previous chapter. A grant of land to the church at Lyminge in 693 may be quoted as a typical donation. "I Wihtraed, king of the people of Kent, making provision for myself in the future, have determined to give something to Him Who gives me all, and having taken counsel, it has seemed good to me to bestow

on the basilica of St. Mary the Mother of the Lord, which is situated in Lyminge, the land of four ploughs which is called Wieghelmestun, with all pertaining to the said land, according to the well-known boundaries, that is, Bereveg and Meguinespaeth and Strethleg; which my donation I will to be in perpetuity, so that neither myself nor my heirs may presume in any way to diminish it. But if this should be attempted by any person, let him know that he has laid himself under the ban of an anathema." Such gifts were granted absolutely, ceasing to be the property of the donor, becoming in perpetuity the property of the corporation on which they were bestowed. According to charters still extant the land (or tithe) was conveyed in some such form as—"I give unto God and the Church of St. Paul"—"These rights and all others I declare clear to Christ and St. Peter,"—St. Paul or St. Peter referring to a church dedicated to one of those saints. The formula of consecration used from ancient times still runs, "We do separate and set apart from all unhallowed, ordinary and common uses this . . . and do dedicate the same to God and Holy Church."

Property has been acquired at different times, and in various manners from the earliest days of the Church onward, and is held by all manner

of tenures. If it be argued that these early gifts of land were "national property," the answer of Freeman ought to be sufficient. "It is not 'national property' in the only strict sense of those words. It is not *folkland*, *ager publicus*, property of which the nation is not only sovereign but landlord."[1] Nor need we be concerned with the fact that the motive of the donor was not always of the highest character. The same writer says: "The ecclesiastical corporations hold their property by the same right as any other holders of property. If some of it was got ages ago by corrupt means, so a great deal of private property has been got by corrupt means. If one king or other powerful man gave land to a bishopric or a monastery; another, or very often the same, gave land to his favourites or his mistresses. We need not ask what was the motive of the first grant in either case, provided the present owner can show a legal title. That legal title is good in both cases against any power except an Act of Parliament."[2]

Sometimes it is argued that as many of these early gifts were made by kings and princes, they must be regarded as State gifts to the Church. Lord Selborne has dealt fully[3] with this charge.

[1] *Disestablishment and Disendowment*, p. 16.
[2] *Ibid.*, pp. 17–18.
[3] *Defence*, pp. 184–185.

"There is no principle, on which gifts by kings, made not by public Acts of State, but as territorial landowners, can be distinguished for this purpose from gifts by private persons. They were made in times when kings could hold and grant lands, or other property, as freely as their subjects. The lands, so granted in this country from the Heptarchy downwards, were never—most certainly they were not after those grants—the common property of the nation. What those kings granted, whether to ecclesiastical or to lay corporations, or to private individuals (in theory of law all private titles to land in the kingdom originated in some such grants), ceased absolutely to be theirs when so granted away. Unless legally forfeited, it could never afterwards be resumed. The titles, so created, were the same in point of law, to all intents and purposes, as if made by private persons; and a possession of centuries has followed upon them."

III

The bulk of the property of the Church consists of the Tithe. This was never given by the State to the Church. Its payment was originally a free-will offering regarded from the first as a religious duty. Later on it was enjoined by

Church canons, and as the custom of paying it developed, the decrees of Church synods were endorsed by the Anglo-Saxon kings. Thus a civil sanction was added to an already existing ecclesiastical sanction. The State has regulated and enforced its payment, but nothing it has done can alter either the origin or the nature of tithe. It is not a civil creation, nor a tax, nor a national grant, nor a national burden. It was never part of the public funds, and never was a public source of revenue. It is easy to find illustrations from the common law in which there can be seen the gradual process by which customary rights have received legal sanction, and thus passed into the law of the land, *e.g.* the customary period of notice to which domestic servants are entitled in the absence of any expressed agreement on the matter. The State protects the tithe-owner in the enjoyment of his rights, and enforces his claim for payment in the same way as it does that of any other holder of property, but it neither imposes nor collects the tithe. That this is the true history of the origin and nature of tithe is made clear by Freeman and Lord Selborne. The former says[1]: "The tithe can hardly be said to have been granted by the State. The state of the case rather is, that

[1] *Op. cit.*, p. 19.

the Church preached the payment of tithe as a duty, and that the State gradually came to enforce that duty by legal sanctions." Lord Selborne confirms this. "As to tithes, whatever else may be doubtful, this is quite certain, that they never were the property of, or payable to, the State, either before or after their appropriation (or in Mr. Selden's phrase 'consecration'), as endowments to the particular ecclesiastical corporations which became entitled to them; and also, that they were never so appropriated or 'consecrated' by any general public Act of the State. They never entered into, and were never granted out of, the general public revenue, and never became part of it under any law, ecclesiastical or temporal, which recognised either the obligation to pay or the right to receive them. The tithe has been, for ages, real property by law. Its nature has been and is the same, whether in the hands of ecclesiastical or of lay tithe-owners."[1] It may be added that Mr. Asquith has recognised that this is the true history of the tithe, for he stated in the House of Commons (June 17th, 1895) that "although tithes became a compulsory tax after a certain date, they were originally a voluntary obligation

[1] *Op. cit.*, p. 185.

and given by private persons out of their own resources."

The tithe was given to the Church, not to the poor. All of it was not originally given to particular parishes, for it was in existence, and, indeed, had received civil sanction, before the parochial system had been fully set up. The donor could give it to a parish, to an individual clergyman, or to a monastery. The gift was always, however, to "God and Holy Church." In no case was it given to the poor. It is a mistake, therefore, to say that the clergy have appropriated to their own use the money left for the relief of the poor. There is evidence that in some parts of the Continent tithe was sometimes divided into three or four parts, of which one part was applied to the relief of the poor. There is no evidence for such a custom in England. All the great historians who have examined this matter are agreed on the point. It will be sufficient to quote the witness of the late Bishop Stubbs, that "the practice never was adopted in England, and that the passages alleged in support of it are either unauthorised or merely statements of an ideal state of law conformable to the uses of some foreign Churches."[1] As regards the moral rights of the

[1] See Morris Fuller, *The Alleged Tripartite Division of Tithes*, p. 60.

poor, the words of Bishop Stubbs may again be quoted. "The claim of the poor on the tithe was a part of the claim of the Church; and, although this claim was never made the subject of an apportionment, tripartite or quadripartite, except in unauthoritative or tentative recommendations, it has never been ignored or disregarded by the Church or clergy." [1]

It is sometimes regarded as a grievance that Nonconformists are compelled to pay tithe towards the support of a religious system with which they are not in agreement. Certain churchpeople at Little Maplestead in Essex might make a similar complaint, for the great or rectoral tithes of that place belong to and are paid to the Sabbatarian Baptists. In reality there is no grievance. When the tithe payer bought or rented his house or farm he did not pay the full price, since he only bought or rented nine-tenths of it. The remaining tenth has never been his. He could not buy or rent it, as it was for God's service. He is not supporting the clergy when the tithe is paid through his hands, for the tithe never belonged to him. If he chooses to remove to a house or farm where the tithe has been redeemed, he will be no better off financially, for the rent of his new house or

[1] See Selborne, *op. cit.*, 158–159.

farm will be proportionately higher, just because he is not required to pay tithe.

At times it is argued that the ancient endowments, especially the tithe, were given to provide spiritual ministrations to the whole of the nation, but that now, through the advent of Nonconformity, they are being used exclusively for the maintenance of one religious society alone, Nonconformists deriving no benefit of any sort or kind from them. This argument has no weight. Nonconformists do not claim that the endowments should be split up and part granted to them. Their proposal is that the whole of the tithe should be taken away from the Church and used for purposes which, to say the least, are not of a distinctly religious character. Moreover, if they did make this claim it may be said that by their voluntary secession from the Church they have forfeited their claim to the share which they might otherwise have enjoyed.

No one proposes to abolish tithe. If the Church be disendowed, the persons who pay it will be no better off. The tithe will be payable as before, only it will be used for other purposes, such as infirmaries, institutes, parish nurses, &c. Mr. Asquith has made this point quite clear, for when speaking in the House of Commons on May 9th, 1895, he stated that "the tithe rent-charges,

falling under the provisions of the Welsh Church Bill, will continue to be payable half-yearly, on the 1st of January and the 1st of July. They will be payable to and collected, not by Government officials, but by the County Council." One difference there would be, for the State would not allow any extension of time for payment, as is often done by the clergy at the present time.

A large part of the tithe is not now in the hands of the Church. A custom grew up, especially after the Norman Conquest, of transferring the endowments of parishes to monastic communities. In this way a large number of parishes were "appropriated" to monastic houses, which received the whole income of the parochial endowments, and were charged with making the necessary provision for the spiritual welfare of such parishes. "In Edward I.'s reign one-third of the English benefices were thus 'appropriate,' while at the time of the Reformation the proportion was doubled."[1] The usual manner of working the parish was by the appointment of a vicar, to whom part of the tithe was granted for his services, the monastery, as rector, retaining the remainder. When the monasteries were suppressed in the reign of Henry VIII., the King acquired all those original endowments of the

[1] Aubrey Moore, *History of the Reformation*, p. 51.

parishes which had been transferred or appropriated to religious houses. Instead of being restored to the parishes from which they had been originally derived, they were distributed among the friends and dependents of the King, and many of them still remain in lay hands. It has been estimated that the annual value of tithe alienated in this manner is some one million sterling, about a quarter of the whole. Little Maplestead has already been quoted as a place where these great or rectorial tithes are in the hands of a Nonconformist body.

The question of tithe on newly cultivated land is sometimes raised. An Act (2 & 3 Edward VI. c. 13) of 1549 granted tithe on land which "had not hitherto paid tithe . . . by reason of the barrenness of it." This was no State gift to the Church, for the tithe had been given originally for the whole township, manor, or estate. In fact, some grants of tithe specifically mention uncultivated land. Thus Geoffrey of Coleville granted the monastery of Boxgrove "decimam de Kienore de toto dominio meo in terris cultis et incultis, in pomaciis, in piscariis, et molendinis"—"the tithe of my whole estate of Kienore, whether cultivated or uncultivated land, in orchards, fisheries, and mills."[1]

[1] See Selden's *History of Tithe*, p. 333, and *cf.* for other examples pp. 308, 320, 340; and compare the 9th Canon of

Originally the produce of the land on which tithe had to be paid was received by the tithe-owner, who either stored, used, or sold it. This custom ceased on the passing of the Tithe Commutation Act of 1836, by which a money payment was substituted for the previous payment in kind. This is calculated on the average price of wheat, barley, and oats during the past seven years. On account of the steady fall in the market price of wheat for many years past, the clergy now receive less than the full value of the tithe. In 1901 they received £66, 10s. 9¼d. for every £100 worth of tithe, while the value for 1910 is £70, 7s. 8d. The average value for the seventy-four years which have elapsed since the passing of the Tithe Commutation Act is £92, 16s. 8¾d. By the Tithe Act of 1891 the landowner was made to pay the tithe, thus abolishing a custom by which the tenants were bound by contract to pay this charge on the land. Under the same Act, the remedy of recovering tithes in arrear was rendered less harsh, whilst provision was made for the reduction of the tithe rent-charge where land had been much reduced in value.

the Synod of Westminster in 1200, "that the tithes of all lands newly cultivated be paid to no other but the parish churches within whose bounds the lands so cultivated lie" (Johnson's *English Canons*, vol. ii. p. 89).

IV

The assertion is frequently made that the State has endowed the Church of England by helping in the rebuilding of St. Paul's Cathedral and the City churches after the Fire of London; by giving money to Queen Anne's Bounty; and by building parish churches in the early part of the nineteenth century. Let us take these in turn and see exactly what was done in each case.

In the great fire of London of 1666, old St. Paul's was burned, together with 89 parish churches in the City. It was impossible for the City, the Cathedral, and the churches to be rebuilt entirely by voluntary effort. Accordingly the State stepped in and made a grant of the duty on all coal entering the port of London. This duty varied from time to time from 1s. to 3s. per ton, and during the years 1670 to 1716 part of the money thus raised was devoted to the rebuilding of the Cathedral and City churches. No account of the sums raised in this manner has been preserved, so that it is impossible to say exactly to what extent the State thus aided the Church.

Over against these contributions must be set the fact that only 51 out of the 89 city churches destroyed were rebuilt after the Fire. The sites

of those not rebuilt were vested in the Lord Mayor and Aldermen; where not used for new streets they were sold, and the money employed in the rebuilding of other churches; where used for new streets the land was lost to the Church, no compensation being granted. The value of this Church land would go far towards balancing the moneys received from the coal duties, even at the prices of that period. Its present value is enormous.

From the thirteenth century to the beginning of the Reformation, clergy, on entering their benefices, paid tenths and first fruits (the first year's value of the benefice) to the Papacy. When the Papal supremacy over the Church of England was abolished in the reign of Henry VIII., these sums ceased to go to Rome. The clergy, however, were no better off, for henceforth the payment was to be made to the King. This continued till 1704, when Queen Anne restored tenths and first fruits to the Church. This cannot be called a State endowment, for it was merely the restoration of Church property to the Church.

But in 1809 the State began to make a series of annual contributions to Queen Anne's Bounty. These lasted till 1820, and amounted to £1,100,000. Here, too, there is something to

be placed over against these grants, for while we recognise that they were given by the State, it is only fair to bear in mind that from 1534 to 1704 these Church moneys had gone to the King. Bishop Burnet states that in the reign of Charles II. they amounted to £16,000 a year. Taking this as the basis of our calculation, we find that during the 170 years the moneys went to the Sovereign, the loss to the Church amounted to £2,720,000, as against the £1,100,000 given by the State to Queen Anne's Bounty.

The nineteenth century witnessed the growth of industrialism and the exodus from the villages to the manufacturing towns. The Church in these places was faced with the problem of Church accommodation. The State stepped in, and in 1818 granted one million of money to Commissioners for the creation of new churches in populous places, adding another half million in 1824. Not the whole of this money came to the Church of England, for part of it was applied to the benefit of the Established Church of Scotland. The Commissioners rarely gave a grant sufficient to build a church outright, but made grants to augment what was being raised by local voluntary subscriptions. Between 1830 and 1840, 127 churches and chapels were built through the assistance of such grants, but in 22 cases only

was the whole sum necessary provided by the Commissioners. Acts of Parliament in 1819 and 1824 remitted the duties chargeable on material used in the building of these churches. The total sum thus saved amounted to £336,340, of which £49,829 went to the Church of Scotland, leaving £286,511 as the sum received by the Church of England.

The payment of Church Rates is sometimes represented as a State endowment of the Church. They did not come into existence through an Act of Parliament, for the practice of paying them arose from a sense of duty long before Parliament came into existence, in the days when all the people of the land belonged to the National Church. As early as the reign of Canute we find that the payment of the church-scot, as Church Rates were then called, was enjoined by law. Both the common law and the ecclesiastical law regarded it as being the duty of the parishioners to see that the body of the parish church was kept in a state of repair (the chancel being attended to, as a rule, by the rector); that the churchyard and its fences were in order; and to meet small incidental expenses in connection with the conduct of Divine Service.

Until Nonconformity arose there was no objection raised to the levying of a rate for these

purposes. The parishioners did their duty on the principle that what benefits all is the concern of all. The custom of making Church Rates continued after the rise of Nonconformity in the sixteenth century. The parishioners assembled in vestry and made the rate when necessary, care as a rule being taken to keep it as low as possible, while the churchwardens at the end of their year of office rendered an account of the manner in which the money produced by the rate had been spent.

In the nineteenth century Dissenters began to oppose the compulsory payment of these rates, with the result that in 1868 compulsory Church Rates were abolished. While the Act did not forbid the making of a rate where the parishioners were willing to consent to its imposition, it ordered that for the future "no suit shall be instituted or proceeding taken in an ecclesiastical or other court, or before any justice or magistrate, to enforce or compel the payment of any Church Rate in any parish or place in England or Wales."

There was little, if any, grievance in the fact that Nonconformists were required to pay their share of the Church Rate, because they received a *quid pro quo* in return. They possessed the right to a seat in the parish church; the right of burial in the parish churchyard; the right of attending

the parish vestry and voting on such questions as the election of the churchwarden or the alteration of the fabric or furniture of the church. They frequently availed themselves of these rights. When compulsory Church Rates were abolished, the Nonconformist lost nothing which he formerly possessed. Though relieved from paying his share in the upkeep of the parish church and churchyard, his rights to a seat in the church, to burial in the churchyard, to a vote in the parish vestry, were untouched.

When such gifts are adduced as evidence of State endowment, it is necessary to point out that the Church of England is not the only religious body which has profited by the generosity of the State. The "Regium Donum" was originated in 1722 and continued until 1852, when it was given up at the request of Dissenters. As Lord Selborne says: "Its sacrifice, which conscience had never been felt to require, was demanded in the interest of an aggressive political movement against the Church of England."[1] The sums of money thus given were used for the benefit of necessitous Dissenting ministers and their widows. Up to 1845, £207,347 had been given, and Lord Selborne says that for the total amount up to 1852, "£216,660 is a safe estimate."

[1] *Defence*, p. 214.

In Ireland the State grants to Presbyterians continued up to 1869, when the Irish Church was disestablished and disendowed, and amounted altogether to £1,903,854. In 1869 these grants ceased, but compensation to the extent of £768,929 was given out of the funds of the Disestablished Irish Church.

V

It remains to consider the work of the Ecclesiastical Commissioners. And first let us inquire what the Ecclesiastical Commission is, and how it arose. In 1831 a Commission was appointed, after notice in the House of Commons, to inquire into the property, revenues, and patronage of the Church of England, but no steps were taken towards carrying out its recommendations until 1834, when Sir Robert Peel thus clearly indicated his view of the purpose of the Commission. "I cannot," he said, "give my consent to the alienating of Church property from strictly ecclesiastical purposes. But if by an improved distribution of the revenues of the Church, its just influence can be extended and the true interests of the established religion promoted, all other considerations should be made subordinate to the advancement of objects of such paramount

importance." The Commission was appointed with the approval of the Archbishops and Bishops (some of whom sat as Commissioners until, in 1841, all the Bishops and three Deans were made permanent members), and it reported in favour of better schemes for the management of the estates from which were derived the incomes of the Bishops and Chapters. There was never any assertion of a right on the part of the State to those revenues on the ground that they were national property, the control of which could be resumed at will by the State; there was no attempt made to reserve any surplus derived from better management and to devote it to national purposes, such as the relief of taxation and the like. The property which came under the view of the Commissioners was Trust property, and the object for which the Commissioners was appointed was the better carrying out of these Trusts.

The result of the Commissioners' management has been an immense saving, and from this, as also from the increase in the value of properties, a fund has been created out of which the endowments of many parishes have been augmented, and new endowments found for newly created parishes. The report for 1909 says that "during a period of sixty-nine years, extending from 1840

(when the Common Fund was first created) to the 31st of October last, the Commissioners have augmented and endowed upwards of 6500 benefices by annual payments charged on the Fund; by capital sums expended in the provision of parsonage houses, &c.; and by the annexation of lands, tithe rent-charges, &c. The value of these grants exceeds £942,000 per annum in perpetuity. The value of benefactions, consisting of lands, tithe and other rent-charges, stock, cash, &c., secured to benefices, and met for the most part by grants from the Commissioners, exceeds £232,000 per annum in perpetuity, and, in addition, a sum of not less than £38,000 per annum is contributed by benefactors to meet temporary grants for curates. The total increase in the income of benefices thus resulting from the operations of the Commissioners exceeds £1,212,000 per annum." During the last two or three years the Commissioners have been able, through careful and wise husbanding of their resources, to make a much-needed step towards raising to £200 a year all livings below that value throughout the country, other than those with very small populations. This new development has been so far perfected that in the report for 1909 they are able to announce that the holder of every benefice with the requisite population may participate in

the benefits of the scheme. The result will be that in a short time the incumbent of practically every benefice in England with a population of 500 will receive an income of at least £200 a year. This record of work shows that the endowments of the Church are being used in ever-increasing degree for the purposes for which they were originally given, *i.e.* the spiritual and moral welfare of the people. It shows, moreover, that the incumbents of modern town parishes, whose stipends are provided by or assisted out of the funds of the Commissioners, would feel the effects of disendowment equally with their country brethren, whose incomes come from tithe.

Such are the ancient endowments of the Church. It need only be added in conclusion that the Church is not existing solely on the generosity of persons in the past, for the annual balance-sheet of the Church of England shows that some eight millions of money is raised annually for the carrying on of Church work at home and in the foreign mission field.

CHAPTER VII

THE RESULTS OF DISESTABLISHMENT AND DISENDOWMENT

Having inquired into the relationship which has existed from earliest times, in this land, between Church and State; and having examined the various kinds of property held by the Church, as also the manner in which such property was acquired, we have to inquire into the results which would ensue if the connection between Church and State were to be severed by disestablishment, and if the property of the Church were to be taken away by disendowment. To guide us in the inquiry we have the Welsh Disestablishment Bills of 1895 and 1908, and are able also to see the results of these changes in Ireland, where the Church was disestablished and disendowed in 1869. From these we see at once that the two things are inseparable. Sometimes we meet people who tell us that they would welcome disestablishment apart from disendowment. They are never likely to attain

their desire. "Disendowment [is] necessarily involved in disestablishment," says the Liberation Society;[1] and elsewhere, "No practical politician doubts that when the English Church is disestablished the Legislature, after meeting all reasonable claims for compensation, will apply the surplus of the property to the general purposes of the nation."[2]

At the outset it is necessary to explain, in general terms, why we oppose these things. We are often told that we dread the one because we should lose our special privileges and our high position; that we dread being "reduced to the ranks" and placed in the position of one denomination among many; that, in short, we love privilege and hate religious equality. We are charged with opposition to the other for mercenary reasons: because we love "the loaves and fishes"; because we are afraid to trust our people under the voluntary system. The truth is that we oppose the one because (as we shall see in detail presently) there would be great and grave spiritual losses to the nation through the removal of the organ by means of which it expresses itself spiritually. We oppose the other because we consider that the State has no more

[1] *The Case for Disestablishment*, p. 223.
[2] *Ibid.*, p. 165.

right to take away the property of the Church than it has to take away that of the London hospitals or of some Nonconformist body. We do not fight for fear that the present beneficed clergy would be poorer. "Vested interests" is a magic term, and no doubt they would be considered. The existing beneficed priests *might* suffer from disestablishment; the assistant clergy almost certainly *would* suffer; but the clergy would not be the only or even the principal sufferers. The Archbishop of Canterbury has rightly pointed out that "the people at large . . . would be the losers in the long run."[1]

I

We turn, then, to a consideration of the results of disestablishment. In the first place, the bishops would no longer, as at present, be appointed by the State. At first sight this may appear to some as a change much to be desired. They consider it would be well, in every way, for the Church to possess the power of electing its own bishops. No doubt the method employed would be that in use in the Irish Church and the Episcopal Church in Scotland, where they are appointed by the clergy and

[1] Speech at Annual Meeting of the Central Church Committee, 1904.

laity of the dioceses concerned. But is this an ideal plan? Would it work well in practice? Some recent elections in Scotland do not make us at all enamoured of it. Sometimes it might work quite smoothly; but what would happen when there were two or more candidates, nominated and supported by different parties? The Bishop of Bristol, in dealing with the matter, wisely points out: "I see it said sometimes that the election of an English bishop by the clergy of the diocese, or by the clergy and laity, would be the best way of filling a vacancy. I am inclined to think this is a mistaken view, taking into consideration the very large number of persons who must be included among the electors and the great excitement which such an election must cause. It would be necessary, in the first instance, to obtain the consent of each of the persons to be voted for, and that would create a candidature for the episcopal office. The most suitable men would often be found to refuse to subject themselves to the process of candidature and contested election. The bishop, when elected, would represent a party triumph, and would commemorate a party defeat."[1] He adds, "I have myself known a very long episcopate of a very able and learned man embittered from

[1] *Church Historical Society's Papers*, lx. pp. 3–5.

first almost to last by the circumstances of the contest for the episcopal office, where the electors were about twelve in number." We might gain little and lose much by the change. At the present time, under the existing system, the new bishop is able to enter upon his work as the bishop of the whole diocese. He does not owe his election to any of those over whom he is set. There are no persons to be favoured because of services rendered, no persons to be in disfavour because of having opposed the election, or of having worked for the unsuccessful candidate. There is no aggrieved party feeling sore and needing reconciliation; there is no opposition to be lived down. We are saved from nominations and canvassing by each of the great parties in the Church, however the appointment is watched and criticised by public opinion in every part of the country.

II

Another change affecting the bishops would be that they would no longer sit in the House of Lords, though they have occupied a place in the legislative assembly of the nation from the earliest days of our history. Before examining this matter in detail, it may be well to

state that, though the bishops sit in the House of Lords, the clergy have, since the reign of George III., been debarred from sitting in the House of Commons. If disestablished, the clergy would be at liberty to seek election as Members of Parliament, in the same way as the ministers of the Dissenting bodies can at present. The expulsion of the bishops from the House of Lords is probably the change most desired by those who are pressing for disestablishment. Reference is constantly made to their work as legislators. We are told that they are always against progress, justice, liberty, and humanity, and that they may safely be reckoned on to vote with one particular political party.

Whatever the record of the past may be, we are concerned with the present, and as was clearly shown, by the Archbishop of Canterbury's letter to Mr. Birrell in February 1907, the action of the bishops in the Upper House has, in recent years, been continuously in the interests of the moral and social good of the people.

But the question of the presence of the bishops in the House of Lords is not to be tested merely by the way in which they have voted on questions of party politics. They are there for a particular reason. They are the official representatives of the influence and the sentiment

of the National Church. It cannot but be fitting that when grave national questions are under discussion, those should be present who, from their vocation and experience, are the best qualified to deal with the moral and spiritual aspects of the subjects under discussion. An illustration may be useful. What was sometimes called "Chinese Slavery" was, we know, a political matter; but it was something else as well, for an important moral question went along with it; and it was this moral side of the question which was dealt with by the bishops when the matter was under discussion in the House of Lords. In fact, the Archbishop of Canterbury was able to say in his letter to Mr. Birrell, "I was, I believe, the first to call attention to the moral dangers attending the importation, dangers which I thought, and still think, to be even graver than the other perils to which attention has been more prominently directed." It would indeed be a serious loss if such subjects were dealt with solely in a political manner, without the presence, opinion, and advice of those most fitted to deal with these questions from the moral and spiritual standpoint. If there is to be a change, let it be by the admission to the House of Lords of the representatives of the other religious bodies in the land.

III

Another change would be that the Archbishop would no longer have the right of crowning the Sovereign of this country. We do well to remember that this is not an honour conferred upon the English Church by the State. The former is older than the latter; and ever since English kings have been crowned the Church has done the work; in fact, for hundreds of years there was no other religious body in existence in this country to do it. As a result of disestablishment, and the modification of the Act of Settlement which would then become necessary, the Sovereign could choose the person by whom he desired to be crowned: the Archbishop if he so wished it; or the Roman Catholic Archbishop of Westminster; the Chief Rabbi; or the President of the Free Church Councils Federation. Or, if he preferred it so, he could omit the service altogether. Surely all will agree that there would indeed be loss if the Sovereign entered upon his work without this solemn consecration, and without this expression of the national sentiment of religion. The omission of the rite, or the competition of the various religious bodies for its performance, would be equally deplorable.

IV

Once more, the Church courts would no longer be courts of the realm. This needs some explanation, for it carries us to the very centre of the word disestablishment. Lord Selborne, as we have seen in an earlier chapter, maintained that "the establishment of the Church by law consists essentially in the incorporation of the law of the Church into that of the realm, as a branch of the general law of the realm." The Church courts and judges are at present recognised as possessing legal jurisdiction; the sentences of these courts have legal as well as moral weight, and can be enforced by the civil power; and if they continued to exist after Disestablishment, they might still possess coercive power similar to that exercised by the synods of the Colonial Churches. In any case, we should in the last resort be in the same position as the Nonconformists. In the event of controversy the matter under discussion would come before one of the ordinary courts of the land and be decided by that court, the decision of which would be enforceable by the civil power in the same way as the decisions of the ecclesiastical courts now are. There would certainly

be no gain here. But this leads us on to a most important consideration.

We are told that disestablishment would bring freedom to the Church, for we should be able to frame our own bye-laws and regulations, and no longer be under the necessity of appealing to Parliament. It is this hope of freedom from State intervention which induces some Churchmen, who have not fully considered all sides of the matter, to favour disestablishment. But this hope of freedom is a dream. It is not possessed by the bodies which call themselves the "Free Churches": they find themselves tied, and not free, in respect to doctrine, to administration, and to possession. For example, the Wesleyans have their bye-laws, by one of which it is ordered that ministers must change their spheres of work every three years. This rule cannot be altered without an Act of Parliament.

Reference was made in Chapter V. to the "United Methodist Church Act" of 1907. That Act has much to teach Church people. It not only creates and establishes a new "Free Church," but also grants it modified freedom. The freedom granted is liberty to state its doctrine in whatever terms it may please, and to alter that statement of doctrine whenever it may wish to do so, without further reference to Parliament.

Parliament has created a precedent, and it remains for us to make use of it. Reforms are needed in Convocation; we want the power to create new dioceses when necessary. Because we cannot gain these things all at once, some cry out impatiently for disestablishment, so that we may be free to make these improvements in the machinery of the Church. But Parliament and the new "Free Church" show us a more excellent way. Is it wise to ask for disestablishment, with its many attendant evils, in order that we may gain these things, when all the while they can be obtained if we are patient, insistent, and united, without the great shock of disestablishment?

V

We turn now to a consideration of the results of the disendowment of the Church. First of all, let us be quite clear on one point. The alienation of the tithe from the clergy will not make the tithe-payer any better off. It will be payable as before, only its collection will be more rigorously enforced, because the State, and not private individuals, will be the collector of it. Mr. Asquith has made this matter quite clear. When speaking on the Welsh Bill of 1895, he said: "The tithe rent-charges falling under the pro-

visions of the Welsh Church Bill will continue to be payable half-yearly, on the 1st of January and the 1st of July. They will be payable to and collected not by Government officials, but by the County Council." And what use will be made of this tithe, given in the past for God's work and the support of the clergy? The Welsh Disestablishment Bill of 1909 proposed to use the money for the erection and support of cottage and other hospitals, or dispensaries, or convalescent homes; the provision of trained nurses for the sick poor; the foundation and maintenance of public parish or district halls, institutes, and libraries; technical and higher education; and "any other charitable or eleemosynary purpose or public purpose of local or general utility, for which provision is not made by statute out of public rates."

VI

Another result would be that the Church would no longer be the National Church. The clergy would no longer be responsible for the poor and ignorant as they now are. The whole land is divided up into dioceses, and every place has its parson and its church. This parson is the "parish priest"; he is the servant of *all:* every

one has a right to his services and ministrations, and to accommodation in the parish church. But if disestablished (even apart from disendowment) these rights of the laity would vanish; the old responsibility for *all* would disappear, the clergyman becoming instead the minister to the congregation. It would be hard to prevent the churches and their services being ruled and regulated in the interests of those who furnished the most money, a condition of things which many Nonconformists have described from their practical experience under the so-called "voluntary system" as intolerable. It would be chiefly the poor who would suffer—the very people for whose good the clergy are here, and for whose advantage the endowments were given.

And what of the independence of the clergy? One great advantage of the fact that they are not paid by the people is, that they are in a position to speak boldly and honestly on social and local evils without hazarding their livelihood. If we make the clergyman dependent on the support of his congregation, we render him liable to the great temptation to which Nonconformists own that their ministers are exposed—that of "preaching smooth things" and "comfortable scriptures," instead of fearlessly speaking out and rebuking sin.

With the independence of the clergy there goes, too, the comprehensiveness of the Church. This can be seen quite plainly in the Irish Church since 1869. If disestablished, a Representative Church body would be called into existence which would, to all intents and purposes, control it. One particular set of opinions would predominate to the exclusion of all others; there might be uniformity certainly, but that great glory of the English Church, its comprehensiveness, the fact that it is wider than any of the parties within it, would be gone. Within four years of 1869, Mr. Gladstone was challenged in the House of Commons to say "whether there is not more freedom for religious thought in the Disestablished Church in Ireland?" The reply of the statesman who disestablished that Church deserves careful attention. "I willingly accept the challenge, and declare that she is less free than she was before."

From the time of the Reformation onwards there have been schools of thought in the Church, both as regards ceremonial and doctrine. It has been remarked[1] that "it is one of the grim sarcasms of history that the first Act of Uniformity should have divided the Church of England into the two parties, which have ever

[1] Procter and Frere, *Book of Common Prayer*, p. 67.

since contended within her on ceremonial and doctrinal matters." That the breadth is that of doctrine as well as of ceremonial is seen by the mention of the Caroline divines, the Latitudinarians, the Cambridge Platonists, the Evangelicals, the Tractarian leaders, the school of Arnold, Maurice, and Kingsley. The existence of these schools of thought is a proof that the Church of England is broader than any party in it; that these men have brought things new and old out of the treasury and have shown that God fulfils Himself in many ways; that the truth is not a single and simple thing, but a great complex whole with many parts and many aspects; that God still reveals Himself in sundry portions and in divers manners. The aim of the English Church has been to define the few really necessary and vital matters, leaving, so far as possible, latitude regarding other questions. Bishop Gore, speaking of the Thirty-nine Articles, has said:[1] "If you look further you will find, the more carefully you study them, that in many respects their language is studiedly vague"; and, once more: "In regard to many matters which were in controversy at the period of the Reformation, on points which belonged respectively to the Calvinistic, Lutheran, and

[1] *The Mission of the Church*, pp. 48–49.

Tridentine positions, you find that, as a matter of fact, the Articles appear to have been intended not as definite solutions, but rather as 'articles of peace'; they aim at shelving rather than defining questions."

The Established Church aims at unity even more than at uniformity. The one is a sign of life and freedom; the other presupposes a rigid and cast-iron rule. The one is for men, the other for children. The Church is brave enough to leave men to differ on many points, provided always that they are sound on central and fundamental truths. Its ideal is unity in diversity. Such is the freedom in the English Church. Should we possess it after disestablishment, or might we not be in some danger of arriving at the condition of affairs represented by the French bishop who said, "My diocese is my regiment; I say 'March,' and it marches"? We unhesitatingly answer that the present freedom would largely disappear. At the present time the clergy possess much liberty. It is true none of them have things entirely their own way, for side by side with them are those who belong to another school of thought and practice, and yet are equally loyal to the Church. But after disestablishment a Representative Body would be called into existence,

and new rules and regulations regarding ceremonial and doctrine would be promulgated. We believe that the Church would be divinely guided in the decisions made, but it is not likely that those decisions would be of the sort to please extreme men on either side. Men might be at liberty to continue to hold their own ideas as to what the Church ought to teach and practise. But outwardly they would be bound to comply with rules for doctrine and ceremonial so laid down that many who now favour disestablishment, in the hope of attaining greater freedom, would find that they had grasped at the shadow and meanwhile lost the reality. Coleridge was right when he said, "It is my deep conviction, that in a country of any religion at all, liberty of conscience can only be permanently preserved by means, and under the shadow, of a National Church."[1]

VII

Another important consequence would be the amalgamation of livings, and, as a result, inceased difficulty in ministering to the spiritual wants of the people. This has been the result in Ireland. The Bishop of Meath has told of

[1] *Thble Talk*, May 31, 1834.

the amalgamation of no less than eleven ancient parishes, whilst the Bishop of Down's words are most important. "There is a church in every parish of England, to which every Englishman has a right to go, and in very many parishes, thank God, becoming free and open to every parishioner. There is a person whose services they have a right to claim. We have felt the loss of that among our own poor folk in Ireland. I know that in parts of my own diocese men have to walk seven Irish miles to church and back again—so many churches have been closed and so many parishes united together; and I say that if the loss is great even in Ireland, where the most of the people are of an alien creed, how much more terribly will it be felt as a fell catastrophe in England, where the great masses of the poor people do belong, after all, to the Church of England?"[1]

Many a place would be left without a resident pastor, and when we note that in many places the only minister of religion is the vicar, we can picture for ourselves what the loss would be, both spiritually and morally. Bishop Sheepshanks dealt forcibly with this aspect of the question at the Yarmouth Church Congress in 1907. He

[1] At a meeting of the Church Committee, November 21, 1899.

told us that "until the Church, impoverished, crippled, disabled, could begin again her spiritual work, a clean sweep would be made of the Church in the rural districts. . . . I have made careful inquiries upon this point; and I find that there are 393 parishes in this diocese [out of a total of 914] in which there is no building for public worship except the parish church. . . . Imagine, then, the clergy gone, the churches useless, the parsonages let or shut up; and try to realise the results. Can any sane and impartial person deny that this would be disastrous to the cause of religion, and therefore of morality?"

Nor is it the villages only which would thus suffer. The effect upon the towns was well shown by the Archbishop of Canterbury in his speech at the Annual Meeting of the Central Church Committee in 1904. "When I was Bishop of Rochester and had South London under my care, and was living in the very centre of it, I took pains to go into that matter a little statistically. I took a region which comprised three rural deaneries, the poorest part of South London. The population of that region, which is only a little bit of South London, was about 430,000. I found that there were 51 parishes, with 137 resident parish clergy, and that there were in the same region 32 chapels,

including even the smallest that could be found, with 13 resident ministers. Well, that was a plain fact. That is not what is apparent on Sundays. People can easily go away with a wrong idea and form false impressions as to what is happening week in and week out in the ordinary daily and nightly work amongst our poorest people, which comes from the essential necessity enforced by the law of Church and realm that there shall be in every one of those places a resident man who is at the beck and call of the poorest and the neediest and the saddest and most sinful who want his help."

VIII

We need not dwell at length upon the results on mission work at home and abroad, and on charitable and philanthropic work. Deprived of its ancient endowments, and forced to rely entirely upon the free-will offerings of the people, it would be quite impossible for the Church to expand as it is now expanding. The cause of Christ among the heathen would be set back, at least temporarily, for the support of mission work would be made vastly more difficult, by the necessity of providing new funds for the home work.

Charitable work, too, would almost certainly suffer. The London Hospitals Sunday Fund is an excellent illustration of this. Last year the total amount collected in churches and chapels amounted to £39,118, of which no less than £30,928 was given by the Church of England. The remainder was contributed by Roman Catholics, Nonconformists, Jews, and others. We are not boasting over this. But we must point out that if disendowed we could no more do this than the bodies which are entirely dependent upon the voluntary system can at present.

If we lose, as we certainly should, who would gain? The answer is not doubtful—Rome. Bishop Sheepshanks has quoted a Roman Catholic priest working under Cardinal Manning, who, when asked whether Rome had any prospect of converting England, replied, "Not as long as the Church of England is established." It is well for us to notice this fact, that the English Church is the great bulwark against Rome. A leading English newspaper[1] has pointed out the same thing. "There is another powerful body watching the progress of events in England, and waiting only

[1] The *Standard*, Oct. 9, 1905.

for disestablishment to step into the vacant place and absorb a large number of the English clergy into its own ranks."

IX

All true followers of Christ must deplore the unhappy divisions which exist between Christian bodies, and must desire and work for the fulfilment of our Lord's great prayer: "That they may be one, even as We are one; I in them and Thou in Me, that they may be made perfect in one; and that the world may know that Thou hast sent Me." Sometimes we are told that one of the chief hindrances to home reunion is the existence of an established Church. Let that Church be disestablished, it is said, and one great step forward will have been taken in the direction of brotherly union and concord.

The condition of Ireland shows that this is not an accurate forecast. The Irish Church was disestablished in 1869, and many thought that harmony would be the result. Have the North and the South been drawn nearer to each other? The venerable Archbishop of Armagh, who was a bishop before 1869, says: "Disestablishment in Ireland has partly fulfilled Archbishop Whately's prediction 'that it would divide Ireland into

separate ecclesiastical camps, with clerical sentries perpetually pacing between them.' The people of Ireland are divided into two great sections. By one, disestablishment is never remembered; by the other it will never be forgotten. Disestablishment may have given many things both to one and the other, but peace is not one of them."

The late Bishop of Ossory bore similar witness:[1] "We were told again and again by the wisest of the prophets that when the Church of Ireland was disestablished the causes of difference between Irish Churchmen and other denominations would be entirely removed. But has it done so with the Irish Church? I here declare, without fear of contradiction from those who know the facts of the case, that exactly the opposite has been the result. I here declare that, just as Bishop Barry some time ago said in Australia that all the causes of disunion were intensified there by the very struggle for existence and extension, so it has been in Ireland, even in connection with the Protestant denominations."

Australia teaches the same lesson. The witness of Bishop Barry is confirmed by the Bishop of Bath and Wells from his experience as Bishop of Adelaide. He had been told before he went

[1] On the occasion previously mentioned.

out to Australia, "only sweep away your Establishment, let us realise that there is no State Church, and then we shall come in and be one with you; then we shall realise that we are one body, and can worship happily together." This, however, is what he found: "The jealousies between denominations intensified, the rivalries increased; nothing but a perpetual spiritual racing between this sect and that sect."

When we turn to the moral aspect of the question we reach the same conclusion. The plea for the disestablishment and disendowment of the Church is largely political rather than religious in character. They would be acts of injustice and spoliation. Are these the foundations on which peace and concord are likely to be built? The Psalmist says that "righteousness and peace have kissed each other," and there can be no true or lasting peace which is not linked with righteousness. We are hardly likely to reap the fruit of peace if the seed we sow is that of unrighteousness.

Charles Kingsley gave vivid expression to his views on this matter: "Whatever you do, don't advocate disestablishing us. We are the most liberal religious body in these realms. In our pale men can meet who can meet nowhere else. . . . If we—the one remaining root of

union—we disestablish and become a sect like the sects, then competition, not Christ, will be God, and we shall bite and devour each other, till Atheism and M. Comte are the rulers of modern thought."[1]

We desire to recognise to the full the spiritual and moral work which our Nonconformist brethren have done and are doing among the sinful and degraded, and we realise how much more powerfully the work of Christ could be carried on if the Church and Nonconformity were once more at one. But whichever way we look at the question, we are forced to the conclusion that the much-to-be-desired reunion among Christian bodies in England will not be brought nearer by the disestablishment and disendowment of the English Church.

[1] *Life and Letters*, i. 400.

THE END

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